the weekly Standard

JUNE 6, 2005

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HOW TO RESCUE THE NORTH KOREANS
NICHOLAS EBERSTADT

MITT ROMNEY OF MASSACHUSETTS

Can a Republican governor of a Democratic state become America's first Mormon president?

BY TERRY EASTLAND

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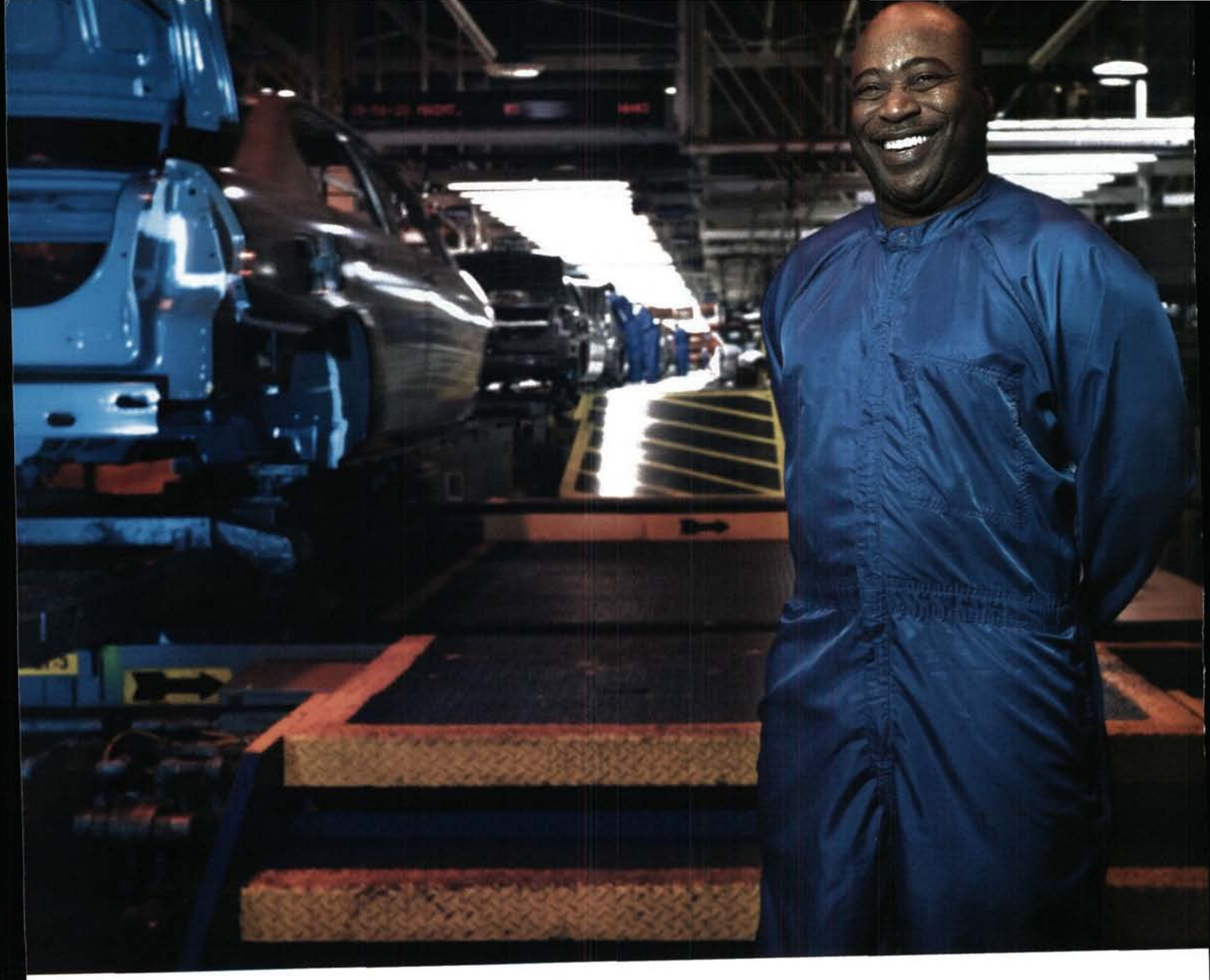

I'm one in a million.

Everyday nearly 1,000,000 Americans earn their living helping GM build and sell cars in the United States. I'm one of them. My name is Birnes Penix and I'm a team leader in paint at the Malibu assembly plant in Fairfax, Kansas. To me and my family, it's the most important job in America.

Birnes L. Penix Sr.

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The BBC's Decline and Further Decline

Despite occasional mild griping on this page about lapses at the *New York Times* or *Newsweek* or the *Washington Post*, these publications are, truthfully, paragons of fair play and professionalism when compared with the BBC. The Beeb was caught during the recent British elections hiring hecklers to shout down Tory leader Michael Howard on the campaign trail, and lamely offered the excuse afterwards that it was just conducting a "study" of political harassment.

So we assume the BBC must have launched a "study" of propaganda techniques last week. That would explain the summary of a recent report from a prominent British think tank that we found on the BBC's website on May 25:

> The occupation of Iraq has helped al-Qaeda recruit more members, according to the London-based International Institute for Strategic Studies. The influential group's annual report says the network has reconstituted itself after losing its Afghan base. . . . The institute says the war in Iraq has focused the energies and resources of al-Qaeda and its followers, while diluting those of the global counter-terrorism coalition. It has split the US and its major continental European partners, leaving Britain—Washington's staunchest supporter—uncomfortably in the middle. . . . And it concludes that if Iraq were to become a failed state or revert to dictatorship, it would be a "strategic nightmare" for the West.

Wow, that Iraq war was an unmitigated disaster, no? Surely the scholars at the IISS had *something* good to say about the Bush administration's foreign policy? Not according to the BBC:

> The Bush administration did not fully appreciate that the 11 September attacks were a "violent reaction to America's pre-eminence." To win hearts and minds, the report says, the appearance of American unilateralism needs to be tempered.

And thus ends the story. Or at least that's the way it ended for those who rely on the BBC. For a more accurate picture of the report we turn—believe it or not—to Reuters.

> The annual Strategic Survey of the IISS, whose experts have sometimes been skeptical of U.S. policy under President Bush, gave credit to the United States for measures that appeared to bear fruit over the past year, notably in Iraq. "If May 2004 was marked by widespread despair over burgeoning insurgency in Iraq . . . the watchword for May 2005 was guarded hope," it said in the 384-page report. It pointed to progress in the Arab-Israeli conflict, the promise of multi-party elections in Egypt and popular uprisings against Syria in Lebanon as examples of U.S. policy successes.
>
> "On balance, U.S. policy in 2004-2005 appeared fairly effective in emboldening regional actors in the Middle East and Gulf to rally against rogue states and implement gentle political reforms," the IISS said.

The Reuters story touched on several aspects of the report that criticized the administration—providing a balanced view of the IISS study. Agence France-Presse, for its part, also noted the report's analysis that the Iraq war has been a recruiting boon for al Qaeda—something we would be inclined to dispute. But AFP saw fit to include this rather interesting conclusion:

> Even though the Bush policy was bold, controversial and sometimes divisive, his aggressive global agenda of promoting freedom and democracy appeared increasingly effective.

Increasingly effective. Not a phrase we would use to describe the work done by the BBC. ♦

Joan of NYRB

The Scrapbook almost spilled its morning coffee upon opening the June 9 issue of the *New York Review of Books* and finding that Joan Didion had written . . . well, a remarkably forthright and evenhanded account of the Terri Schiavo case. In fact, Didion's essay is easily the best treatment of the case since Eric Cohen's essays in these pages (see "How Liberalism Failed Terri Schiavo," April 4, 2005, and "What Living Wills Won't Do," April 18, 2005). Everyone should read it. We're not joking.

Now, we always expect that Didion's prose will be sharp. What we weren't expecting was that she would aim her blade at liberals, especially the type who labeled as "fundamentalists" all those who felt that Michael Schiavo shouldn't be allowed to kill his wife. Here's Didion:

> That this was a situation offering space for legitimate philosophical differences seemed obvious. Yet there remained, on the "rational" side of the argument, very little acknowledgment that there could be large numbers of people, not all of whom could be categorized as "fundamentalists" or "evangelicals," who were genuinely troubled by the ramifications of viewing a life as inadequate and so deciding to end it. There remained little acknowledgment even that the case was being badly handled, rendered unnecessarily

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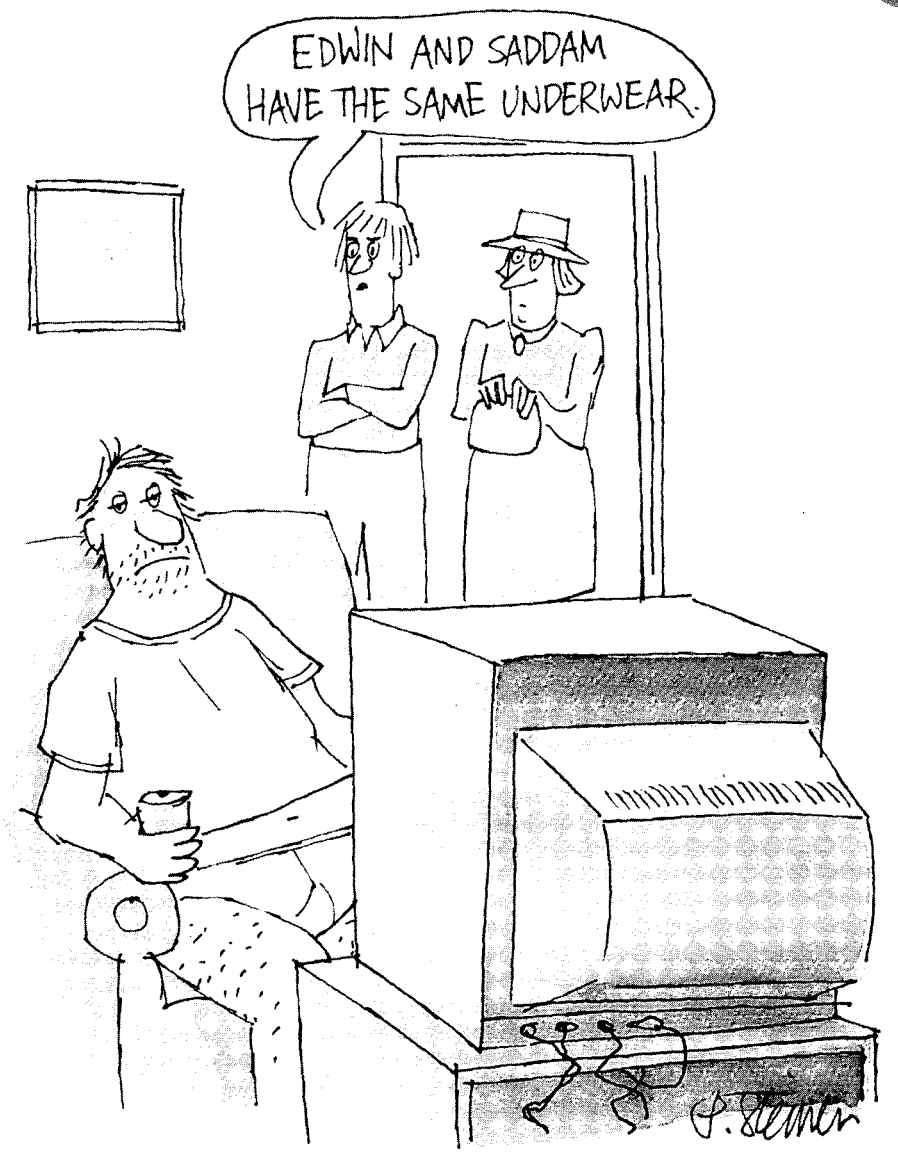

inflammatory. There was an insensitivity in the timing of the removal of the feeding tube, which took place on the Friday before Palm Sunday, meaning that the gradual process of dying coincided with a week that for Christians has specifically to do with sacrificial suffering and death. "Oh *come on*," someone said when this was mentioned on a cable show. There was a further insensitivity in the fact that the tube was removed at all. If the sole intention is to terminate feeding and hydration, there is no need to remove a gastric feeding tube. All anyone need do is stop plunging the formula into the tube. . . . In this case, in the absence of some unusual circumstance that remained unreported, the sole purpose of actual removal would seem to have been to make any legally ordered resumption of feeding difficult to implement.

And here's Didion on the badly reported facts of the case:

> Theresa Schiavo was repeatedly described as "brain dead." This was inaccurate: Those whose brains are dead are unable even to breathe, and can be kept alive only on ventilators. She was repeatedly described as "terminal." This too was inaccurate. She was "terminal" only in the sense that her husband had obtained a court order authorizing the removal of her feeding tube; her actual physical health was such that she managed to stay alive in a hospice, in which only palliative treatment is given and patients without antibiotics often die of the pneumonia that accompanies immobility or the bacteremia that accompanies urinary catheterization, for five years.
>
> Even after the removal of the feeding tube, she lived thirteen days. The removal of this feeding tube was repeatedly described as "honoring her directive." This, again, was inaccurate: there was no directive.

It just gets better from there. To quote our blogger friends: Read the whole thing. ♦

Unretracted

Last week THE SCRAPBOOK noted that *Washington Post* columnist Richard Cohen wrote (yet again) of Dick Cheney's March 16, 2003, claim that Iraq had "reconstituted" its nuclear weapons. Cohen demanded a retraction. Problem is, Cheney had retracted that claim—some 20 months before Cohen demanded a retraction. Cohen apparently missed it. So he used his column to scold the White House for scolding *Newsweek* on its bogus Koran-flushing story. Wrote Cohen: "Suffice it to say that for the White House and the Pentagon to come down on *Newsweek* for making a mistake is the height of hypocrisy."

Newsweek has retracted its story; Dick Cheney has retracted his erroneous comment; Cohen has done nothing. What was that again about "height of hypocrisy?" ♦

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Casual

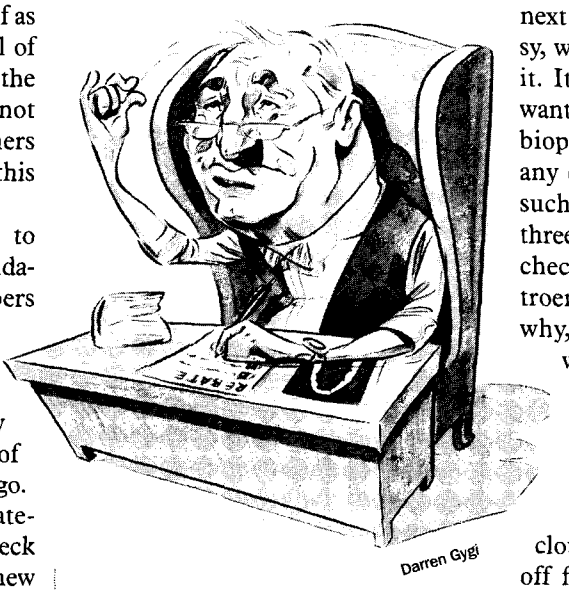
Switch & Rebate

I've read that something like 80 percent of the people eligible for rebates on purchases of new appliances, computers, even automobiles, faced with the irritating paperwork involved in collecting the money, adapt what are supposed to have been W.C. Fields's deathbed words and say, On second thought, screw 'em, and walk away in defeat. Not me. I'm determined they aren't going to cheat me. I think of myself as neither a running dog nor a jackal of capitalism, but a fox out to get all the system has to offer. As such I'm not about to let its trickier practitioners pull the wool over my toes, not in this life, buddy boy, they won't.

"*Du calme*," Old Fox, I say to myself, pen poised above the formidable not-yet-filled-out rebate papers before me, "*du calme*." This is the advice for survival the physician in Brussels gives to Joseph Conrad's main man Marlow before he plunges into the heart of darkness that was the Belgian Congo.

I now plunge into my rebate-coupon paperwork. I carefully check the box next to the name of my new computer printer on which I'm applying for my rebate. I print in my name and address with a steady hand and an impressive clarity in which I take much delight. Not to seem uncooperative or otherwise a cold or remote person, I check Yes in the boxes that will allow the company to send me further information about other of their products, and even agree to sharing "customer information with the sellers where you purchased the product." Hey, I want them to know that I'm a sharing, caring kind of guy, but at the same time would like to find a way to establish that I'm not someone to be trifled with.

At first the mail-in rebate checklist seems straightforward enough. They want the rebate coupon-form filled out. Already done: check. They want the original receipt for my purchase or a copy of it. I've got it right here on my desk: check. They want the original UPC and serial number of the product, which I've already cut off the box: check. They want, for some reason, my mother's maiden name, which banks sometimes ask for, too. No problem. I write in "Abrams."



Darren Gygi

Check yet again.

Things are going fairly smoothly, but then I am brought up a bit when they want to know the name of the first boy my mother went out with in high school. I'd heard these guys can play rough. Only this time the Fox happens to be ready for them. I recall my mother telling me that the first boy she went out with at John Marshall High School on the west side of Chicago in 1925, when she was 15, was Sidney Silverman (alliteration here is a great aid to memory), who later in life made a bundle in used auto parts. He bought her a wrist corsage and took her to a dance at the Palmer House. I hear trumpets sound dimly but triumphantly in the background as I print out Sidney's full name.

The next item on the list asks for dental X-rays and a small sample of hairs from my head to be placed in a Ziploc bag. I pull out a few of my ever-sparser hairs and insert them in a plastic bag, and make a note to call in the morning Dr. Primack's hygienist Pat, who just acquired a bichon frise pup named Myron, about whose health I must remember to inquire. I'm not sure about the dental X-rays, but I assume that they want the hairs to check out my DNA, for rebates have by now been in business long enough to attract scam artists and maybe they want to make sure I'm not one of them. Okay. I can live with that.

Things start to get sticky with the next item, which asks for a liver biopsy, which really seems to me pushing it. It's less than clear whether they want the actual tissue or a report on a biopsy. I'm assuming the report. In any case, I'm in luck, for I have had such a procedure within the past three months. I make another note to check with Jim Rosenberg, my gastroenterologist, in the morning. But why, exactly, do you suppose they want a liver biopsy? I have no notion but feel fortunate that they didn't ask for a lung or kidney biopsy. These guys play hardball.

As I read the final item, a dark cloud forms before my eyes. I fight off fainting. They ask for my foreskin—I mean, my actual flamin' foreskin—though there are no instructions about how to package it. (For women, an asterisk footnote says, they will accept a maidenhead.) I was circumcised 68 years ago. Could I, I wonder, fake it, slip a fresh one, sort of antiqued up, by them? But where would I get it? For the first time in my entire life I regret not knowing a mohel. Maybe . . . or maybe. . . . And then, maybe. . . . Crumpling up the almost-filled-out rebate coupon in my hand, I hear the plaintive voice of W.C. Fields, "On second thought, screw 'em," and now the Old Fox, too, retires in defeat.

Joseph Epstein

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Reaganomics

It is ironic that Steven F. Hayward caricatures my book *Morning in America* as an attempt to "keep [my] faculty club membership in good standing," then proceeds to impose his own rigid test of conservative political correctness ("Reagan in Retrospect," May 23). Historians are supposed to balance competing data, even contradictory pieces of information—a skill often lacking among professorial ideologues on the left and think-tank warriors on the right.

Hayward misleads readers by segueing into my book after invoking the stereotypical liberal rhetoric about the 1980s as the "decade of greed" and the 1990s as "'the fortunate decade,' since their guy was in power." I repudiate that caricature in a section titled "The 1990s: What the Critics Feared the 1980s Would Be?" I write, "Compared to Clinton's nineties, Reagan's eighties appeared more tempered, guilt-ridden, politically engaging and equitable."

Hayward also misleads readers by claiming I bash Reagan's "celebrity presidency." Noting that many historians who applaud John F. Kennedy's symbolic leadership also mock Reagan's, I reject the "liberal caricature of Reagan as a snake-oil salesman." Reagan reminded Americans that the bully pulpit is important. Less churlish conservatives would agree that "tone counts."

Readers can decide whether *Morning in America* is, as Hayward puts it, "contradictory" (and yet, paradoxically, also "churlish"), or rather "nuanced," as other reviewers concluded. But I stand by my contention that to understand Reagan and the 1980s we need more balanced views mixing criticism and praise rather than applying simplistic ideological tests.

And if Hayward thinks writing a book that acknowledges any Reagan strengths will pass muster in faculty lounges, he is more out of touch than critics thought Reagan was. Writing about Reagan is neither for the fainthearted nor the untenured, because too many academics dismiss any praise of Reagan, just as some conservatives cannot tolerate any Reagan criticism.

My title *Morning in America* focuses on Reagan's signal political and cultural achievement: restoring American optimism during the 1980s. But just as honest liberals should acknowledge that Reagan was a more agile, effective, and inspiring leader than partisan caricatures suggest, true conservatives should examine some of the toxic cultural and social effects of Reaganite individualism and materialism. Patriotism—even presidential boosterism—should not require intellectual Stalinism, left or right.

Gil Troy
Montreal, Canada

Steven F. Hayward responds: Rolling out the popgun of "Stalinism" in the face of criticism is altogether typical of the intellectual laziness found at the core of *Morning in America*, but further comment from me would merely be piling on.

That Shipley Has Sailed

I love The Scrapbook, but you have blown it big time about *New York Times* op-ed page editor David Shipley ("Physician, Shrink Thyself," May 23). He has delivered the fresh op-ed page he promised, which means that occasionally he publishes a piece that you can mock.

On the other hand, it was Shipley who, when the *Times* was printing PC nonsense about the Larry Summers case in its news sections, used Sunday's showcase op-ed page to print two pieces on the same day that both came down on the sex-differences-are-real side. And it was Shipley who a few weeks later printed a race-is-not-a-social-construct piece that no major op-ed page in the country (maybe excepting the *Wall Street Journal*'s) would have had the nerve to run.

The wisecracks in The Scrapbook are especially irritating because they are so at odds with the person, as anyone who has ever worked with Shipley will tell you—a sweetheart, modest, utterly fair-minded, and a brilliant editor. He's the best thing to happen to the *Times* in years.

(Full disclosure: One of the two pieces on Summers was by me, and Shipley edited my books *In Pursuit* and *Apollo*. Brilliantly.)

Charles Murray
Burkittsville, MD

A Team Effort

While I appreciate Ron Capshaw's fine review of our new book *Red Star Over Hollywood* ("Tales of the Left Coast," May 23), Capshaw frequently implies it was my book alone, and praises only me for not absorbing our "subjects' either/or mentality."

I assure readers of The Weekly Standard that whatever the strengths and weaknesses of the book, they are those of myself and my wife, Allis Radosh, who in all senses of the word is the book's coauthor.

Ronald Radosh
Brookeville, MD

Biblical Ignorance

As a college history professor, I can vouch for the truth of David Gelernter's observation of Biblical ignorance among Americans in general and young people in particular ("Bible Illiteracy in America," May 23). In my world history class, I cover all the major religions and am always astounded by the Biblical ignorance even of the ostensibly religious students.

For example, one of my frequent extra credit questions is to identify the sources of the names of my boys, Thaddeus and Matthias. I can count on one hand the number of students who have gotten the answer (that they were both apostles—Thaddeus was one of the Twelve; Matthias was chosen to replace Judas).

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Which brings me to two criticisms of Gelernter's otherwise excellent article. First, his analysis is rather heavily skewed toward the influence of the Hebrew Bible/Old Testament in American history (it features nine Old Testament citations, and only two New Testament ones). Does that accurately reflect the relative influence of the two testaments on American history, even allowing for the importance (as Gelernter rightly points out) of the American identification with ancient Israel?

Second, it's true, but incomplete, to assert that the Protestant Reformation's "central idea was that Scripture and not human theological doctrine must be decisive for Christianity." This *sola scriptura* is only half of Luther's theological revolution; the other, more important half was *sola fide*—salvation by faith, in the death and resurrection of Jesus, alone.

TIMOTHY R. FURNISH
Alpharetta, GA

IN DAVID GELERNTER'S "Bible Illiteracy in America," he cites Fania Oz-Salzberger's contention that the theocracy of the ancient Hebrews from the period of Exodus to the coronation of Saul was in fact "a nearly perfect republic" and "precisely because of its transcendent origin, it was an exemplary state of law and a society dedicated to social justice and republican liberty."

I do not presume Gelernter shares this highly selective reading of the Old Testament, which inelegantly exalts a culture that brutalized neighboring tribes, annexed their territory, and committed horrific atrocities against its inhabitants. Decorum inhibits me from expounding the details of these acts on this page, but for your curious readers apt descriptions are found in Numbers 31:13, Judges 18:17, and Joshua 15:63, to name only a few passages.

I do not cite these passages to unfairly single out the Hebrews. Murder, rapine, and conquest were more or less standard practice in antiquity. My purpose is to debunk the notion that our modern sentiments of liberty and moral justice have an intellectual basis in the butcheries of ancient and barbarous nations.

DAVID KIMWELI
Lexington, KY

IF DAVID GELERNTER thinks the woeful state of Bible illiteracy is serious as we approach adult culture, he should try discussing Biblically influenced children's literature with college students.

Take Katherine Paterson's *Jacob Have I Loved*. Twin sisters battle in Cain-and-Abel fashion against the background of Pearl Harbor and the early 1940s. Hatred and jealousy are the book's chief themes, as the sisters torment a family forced to choose sides. It is, to be sure, a 20th-century novel—and yet absolutely dependent on its Biblical framework of Jacob and Esau, Rachel and Leah.

Year after year, I find students almost universally unable to deal with the religious frame and allusions. Old and New Testaments are unknown territory for many, and only quite explicit essays and commentaries on Paterson's work enable students to see what she was really up to.

Many of these students are future teachers. Most will be parents. And yet learning how the Bible can create quality literature is a revelation to them, so little have they experienced it before.

MARK BERNHEIM
Oxford, OH

SEX ED

THANK YOU FOR Hadley Arkes's "Sex and the County" (May 23). As Arkes noted, the group Parents and Friends of Ex-Gays and Gays (PFOX) is one of the plaintiffs in this lawsuit.

The Montgomery County School Board approved resources that recommended gay-affirming religions and organizations such as the Rainbow Baptists, yet rejected one brochure PFOX submitted because it listed the websites of a few ex-gay ministries.

The school board approved materials published by gay advocacy groups that positively portray homosexuality while making negative references to ex-gays by attempting to discredit our experiences and choices. The board also inserted in the curriculum the terms "homosexual," "lesbian," "bisexual," "transgender," "questioning," "intersexed," and "coming out," but refused to insert "ex-gay" as we requested.

Little wonder the district judge ruled in our favor and for the Constitution.

REGINA GRIGGS
Executive Director, Parents and Friends of Ex-Gays and Gays
Fort Belvoir, VA

GREAT WHITE WHERE?

I THOROUGHLY ENJOYED Matt Labash's "Welcome to Canada" (March 21). Being a Red Stater (residing in Al Gore's adopted home state of Tennessee), I couldn't help but wonder, as I finished the article, Where the heck is Canada?

CHRIS KITTERMAN
Franklin, TN

• • •

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the weekly Standard

A New Europe?

In the face of an arrogant, out-of-touch, debate-stifling old regime, a whiff of democracy can be liberating. And not just in the Middle East.

Whatever the outcome of the French referendum on the European Union's constitution on Sunday, May 29, and the Dutch vote on Wednesday, June 1, it is already clear (as we go to press Friday, before the votes) that the public debate over the referenda, and the real possibility of a "No" vote, could prove to have been a liberating experience for Europeans.

Leave aside the dubious merits of the constitution itself. The *Economist*, normally pro-European and somewhat pro-establishment, has called for rejection of the constitution because "the central thrust of the document is towards more centralization," which it correctly thinks a bad idea. But the debate hasn't hinged on questions of E.U. governance. It has turned on something more fundamental—a collapse of confidence in the political and media establishment in France and the Netherlands, and in Western Europe altogether.

It's hard for Americans to appreciate just how out-of-touch the establishment (and it really is a single establishment) of Paris, Berlin, the Hague, and Brussels is. Its arrogance almost beyond belief. Former French president Valéry Giscard d'Estaing, the father of the 448-article constitution, early on in the campaign dismissed complaints about the document's opacity by assuring his countrymen, "The text is easily read and quite well phrased, which I can say all the more easily since I wrote it myself." As Ivan Rioufol of *Le Figaro*, writing in the *Wall Street Journal*, commented, "The French didn't know whether he was simply cynical or unaware of the absurdity of his statement. And so he became a caricature of the self-obsessed, aloof politician."

On the other hand, Holland's Europe minister, Atzo Nicolai, a supporter of the constitution, acknowledges that "people say that too many important changes have been made without real debate—and they are right about that." So the debate over the constitution opens up the prospect for a broader debate, and a chance for wider rethinking—of Europe's failing welfare states and growth-stultifying, upward-mobility-denying economies; of its failing immigration and multiculturalism policies; of its anti-Americanism and coolness to the cause of freedom and democracy around the world; of its failure to be serious about the threats confronting it and us. All of these are now legitimate subjects of public discussion.

For Americans to grasp the character of the moment, it helps to think back to the early 1990s. Think of the collapse of New York city under David Dinkins and of liberal urban policies generally. Think of the House banking scandal, and the out-of-touch first Bush administration, and the Democratic party's ritualistic liberalism. Then think of 1992. The Perot phenomenon was akin to the revolt against the E.U. constitution—noisy, confused, but not meaningless.

The good news for America is that the discontent of the early 1990s produced a Rudy Giuliani to govern New York, a Bill Clinton to (temporarily) redefine the Democratic party, and a Newt Gingrich to revitalize the Republicans. In Europe today, there are signs of Clinton-Giuliani-Gingrich-ism in the rise of Nicolas Sarkozy in France, and of some fresh-thinking young (dare I call them?) neoconservatives and neoliberals throughout Europe.

But so far the fresh thinkers haven't been able to break through. It is as if it were 1996, and there had been no Clintonian redefinition of the Democrats, and Bob Michel were still leading the House Republicans, and there had been no Giuliani mayoralty in New York, and no welfare reform from Congress, and no American intervention in Bosnia—and the alternative news media were still in their infancy, and no academic counterculture had emerged. That's Europe today.

Europe deserves better than the political class and the political discourse (to use a European formulation) that it has been stuck with. In this respect, the leftists rallying in Paris against the constitution last Wednesday were right to insist that their "No" was "A hopeful No." This is a moment of hope—for the prospects for a strong, pro-American, pro-liberty, more or less free-market and free-trade, socially and morally reinvigorated Europe. In any case, as *Le Figaro*'s Ivan Rioufol suggests, the referendum, whatever its outcome, has already had a "liberating effect." Rioufol explains, "It introduced freedom of speech into the French political debate. Until now, the political oligarchy and the media's politically correct group think had silenced any critical mind. . . . The people's revolt and their demand for 'true talk' are sweeping away the old political scene and its political correctness."

What is true of France is true of Europe as a whole. What will follow this week's votes is unclear. But the French people may be securing for themselves, and others in Europe, an opportunity for fresh thought and action. *Vive la France!*

—*William Kristol*

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Round One to McCain

The filibuster deal and the 2008 presidential campaign. BY MATTHEW CONTINETTI

IN WASHINGTON, political types speak of good weeks and bad weeks, the good weeks being those in which your side comes out ahead. Then there are weeks—this is rare—when confusion reigns, because no one is quite sure who has won and who has lost.

Such was apparently the case last week, when a bipartisan group of 14 senators—7 Republicans, 7 Democrats—led by Arizona Republican John McCain, announced at the last second that they had struck a deal on President Bush's judicial nominees, thus avoiding a showdown on the Senate floor. The war over judges continues, but the announcement of this deal, and the reaction to it, say something about today's politics, and something about the politics of the 2008 Republican presidential nomination.

The deal was simple, if vague. It had two parts. The first—"Commitments on Pending Judicial Nominations"—announced that the signatories would "invoke cloture"—that is, vote to end debate—on the nominations of Priscilla Owen, Janice Rogers Brown, and William Pryor, while making "no commitment" to "vote for or against cloture" on the nominations of William Myers and Henry Saad. In the second part—"Commitments for Future Nominations"—Republicans promised not to vote for the "nuclear option"—the arcane Senate rules change that would eliminate the filibuster of judicial nominees—in exchange for the Democrats' promise not to filibuster Bush's nominees except in "extraordinary" circumstances. The meaning of "extraordinary" was left to each senator's "own discretion and judgment."

In other words: Three of Bush's nominees would receive up-or-down votes on the Senate floor—which is to say, since the Republicans control the Senate 55-44 (with one independent), three of Bush's nominees probably would be confirmed. Sure enough, the Senate confirmed Priscilla Owen last Wednesday, 55-43, and is likely to confirm Brown and Pryor in the coming weeks. Also as a result of the deal, however, the fates of nominees Myers and Saad were left undecided, perhaps indefinitely.

Things remained as they were . . . except that three more conservative judges were headed for the federal bench. And a rules change had been averted, for now. But it was not entirely clear whether GOP Senate leader Bill Frist actually would have had the votes to prevail on the change. And it was even less clear what the political consequences of a very close vote on the nuclear option would have been for the political prospects of either party, or for the president's legislative agenda.

In a way, then, the Senate dealmakers—"the Gang of 14," they're being called—had presented Republicans and Democrats with a classic "Is the glass half empty or half full?" problem. Judging by their reactions, the problem was a little too complicated for Republicans and Democrats.

There was no bipartisan consensus on what the deal meant; there was no *partisan* consensus, either. Senate Democratic leader Harry Reid and executive director of MoveOn.org Eli Pariser both praised the deal. "This is a significant victory for our country, for democracy, and for every American," said Reid; "Our members fought hard to preserve the filibusters, which will now live to see another day," said Pariser.

Nan Aron, however, who as head of the liberal Alliance for Justice had spent months working with Reid and Pariser to prevent confirmation of Bush's judges, was "very disappointed with the decision to move these extremist nominees one step closer to confirmation." And liberal activist Ralph Neas, the president of People for the American Way, said the deal "could lead to confirmation of appeals court judges who would undermine Americans' rights and freedoms."

As for the Republicans, President Bush and Senate majority leader Frist offered tepid support for the deal—"I'm pleased the Senate is moving forward on my judicial nominees who were previously being blocked," said Bush; "The agreement, if followed in good faith, will make filibusters of judicial nominees in the future, including Supreme Court nominees, almost impossible," said Frist.

Meanwhile, social conservative James Dobson, president of Focus on the Family, called the deal a "complete bailout," a "betrayal." And a *Wall Street Journal* editorial said, "All in all, we can't recall a more cynical Senate performance since the phony impeachment trial of Bill Clinton." Phyllis Schlafly was outraged. So was radio host Rush Limbaugh: "We had McCain-Feingold. This is McCain-the middle finger!"

What consensus there was, actually, was on the part of the press, which decided, not without reason, that the deal was a victory for John McCain and a blow to Bill Frist. "McCain eclipses Frist . . ." read the headline on the front page of the *Hill* newspaper on May 25. McCain is "The Senate's Real Leader," pronounced David Broder. The *New York Times*'s Adam Nagourney quot-

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Peter Steiner

ed GOP strategist Scott Reed, who told him, "McCain has a new title as superleader of the Senate." Nagourney's article was headlined "A Compromise with Overtones for 2008."

And yet, when the press looked into the future—specifically, the 2008 Republican presidential fight—they saw, startlingly, a picture that looked a lot like the past. In one corner was John McCain: independent, straight-talking, alienating himself from social conservatives; in another corner was Bill Frist: southern, patrician, taking pains not to offend any part of the Republican coalition. It was a faint echo of the dimly remembered primary battles of election year 2000, when McCain's insurgent campaign against George W. Bush collapsed in South Carolina. Unlike Bush and McCain, however, Frist and McCain have—or, at least, had—a good personal rapport. "I thought they personally got along pretty well," Marshall Whittmann, who worked for McCain before joining the Democratic Leadership Council last year, told me. Another former staff member recalls Frist occasionally stopping by McCain's office to chat.

Officially, McCain hasn't decided whether he'll run for president in 2008. If he does, the backlash against his deal on judges suggests that it's likely he'll face challenges similar to those he faced in 2000. The irony here—McCain only stepped in to head the negotiations after Mississippi Republican Trent Lott pulled out—apparently is lost on his opponents. As one Republican strategist with ties to several potential '08 candidates told me, "McCain has a constituency that can make you president of the United States in a general election—but won't necessarily get you nominated in the Republican party."

"A lot of the griping in the Republican party" about McCain's compromise "is silly," the strategist went on. "It's like walking out of a bank with $1 million, and then complaining about the splinter you got in your thumb." Fact is, "John McCain has just delivered more conservative judges than George W. Bush, the Christian right, and Tom DeLay. So let's have that debate."

For his part, McCain has reacted coolly to the firestorm he's caused. After announcing the deal on the evening of May 23, he dove into a car that sped him to the premiere of a movie based on his memoir, *Faith of My Fathers*. The next morning, asked on NBC's *Today* show what "extraordinary circumstances" means, he replied, "It means just like child pornography, you'll know it when you see it." The day after that, he stopped by *The Late Show with Conan O'Brien*, and told the audience what had happened to him a few weeks before when a small plane flew into restricted airspace over Washington, D.C., and the Capitol was evacuated.

"I'm curious," asked Conan, "how did you react when the plane gets close and they say, 'You've got to get out of here, run! Run!' Do you run?"

"Well," McCain replied, "everybody said, 'Run, run!' And I thought, 'Huh, they want me to be president.'"

The audience broke out into laughter, applause, and cheers. McCain tilted his head back and laughed too. He smiled. *He* had had a good week. He thought. ♦

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Speaking in Tongues

The linguistic demands of New York politics, then and now. BY ARNOLD BEICHMAN

"SPANISH POLITICAL ADS kick off Bloomberg TV campaign" was the New York *Daily News* headline the other day discussing the early opening of New York City's mayoral campaign. The headline brought back childhood memories of New York's Lower East Side when a politician who didn't speak some foreign language, usually Italian and/or Yiddish, during campaign appearances suffered a terrific handicap at election time.

The reason I witnessed such linguistic phenomena is that there was no such thing in my 1920s neighborhood as a babysitter. A teenage sibling or an older relative might watch a child. But if neither was available, the parents took the child to the political meeting, the movies, or wherever. Staying home alone was out of the question.

With no babysitter available, the first movie I ever saw with my parents was *The Kid*, starring Charlie Chaplin and Jackie Coogan. And I loved being taken to political meetings, because in that way I could be with my parents. These assemblies, usually held in public school auditoriums, were almost a nightly affair in the run-up to the November election.

At first, these meetings were just noise, incomprehensible noise, and I usually fell asleep. As I grew older, the speeches began to make some sense. And since I was bilingual as most East Side residents were—the second language being Italian, Russian, Ukrainian, or Yiddish—I understood some of the speeches, at least the words if not the content.

Looking back, I think it was remarkable (although I didn't think so at the time) to hear Governor Al Smith, the 1928 Democratic candidate for president against Herbert Hoover, lapsing into Yiddish during a campaign stop in the auditorium of my East Side public school, or years later to hear Mayor Fiorello LaGuardia laughing merrily at his own Yiddish jokes.

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Labor union business could also be conducted in languages other than English. David Dubinsky, onetime president of what was then the International Ladies Garment Workers Union (ILGWU), conducted executive board meetings in Yiddish even though one of the board members, Luigi Antonini, who headed the Italian branch of the union, barely knew enough Yiddish to understand what was going on. However, Antonini spoke to his members in Italian.

This bilingualism (and sometimes trilingualism) came in handy for politicians. The Democratic leaders in my lower East Side district were Christy Sullivan and his co-leader, Maxie Levine, later a criminal court judge. A lot of their business was conducted al fresco, usually on Saturday nights. Their base of operations was a bread stand

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at the corner of Eldridge and Hester Streets, which was closed on the Jewish Sabbath as were the Jewish bakeries. That became the office of the Tammany district leaders. Sullivan stood on one side of the bread stand and Levine on the other. The bread stand opened for business early Sunday morning with magically scented bialys, bagels, and pumpernickel.

On one Saturday night when Maxie Levine was ill and didn't show up at the bread stand, Christy Sullivan took over. He knew just enough Yiddish and Italian to understand his petitioners whose claims were usually the same—a son had been arrested as a pickpocket; someone else's son had been arrested riding in a stolen car; a daughter, just out of high school, needed a job; a petitioner wondered where was the Thanksgiving turkey his family was supposed to get.

On the night in question, another petitioner, a merchant, showed Sullivan a summons. The merchant explained in a mixture of Yiddish and English that a case of cotton goods had been dropped at his store front. A cop had given him the summons for blocking the sidewalk. Sullivan flashed a look at the summons, tore it into a dozen pieces and tossed it away. If you have any trouble, tell 'em to call me, were his words of farewell to the grinning merchant.

The merchant walked off muttering happily in Yiddish, "*Iss dus ah mentch*," translated, "What a guy!"

Indeed, he was. Christy Sullivan in 1937 became leader of Tammany Hall, the Democratic political machine that had dominated New York City politics until the election of Fiorello LaGuardia in 1933. Tammany and Sullivan are gone and their kind of sidewalk politics died with them. But while it lasted, it was a kind of crude democratic politics which also taught these European immigrants and their children what the world was all about. Last week's headlines suggest that New York City politics haven't changed all that much. ♦

The Unmentionable Freedom

The new U.N. report on reform in the Arab world ignores religious liberty. BY JOSEPH LOCONTE

LAST MONTH a group of Arab intellectuals released their third report in an unprecedented study of the many failures—economic, social, and political—that plague the world's Arab states. The latest report, "Towards Freedom in the Arab World," endorses democracy and laments the "acute deficit of freedom and good governance" in Muslim countries. Its authors are getting high marks from the Bush administration. Too bad they've largely ignored the most basic freedom under any democratic government: the guarantee of religious liberty.

Commissioned by the United Nations, the Arab Human Development Report has lots to say about the problems of autocratic rulers, bogus elections, restrictions on the media, and women's second-string rights. It lays out seven nonnegotiable guarantees for the transition to democracy, including the right to vote, the free-

Joseph Loconte is a research fellow in religion at the Heritage Foundation and editor of The End of Illusions: Religious Leaders Confront Hitler's Gathering Storm. *Grace Smith provided research support for this article.*

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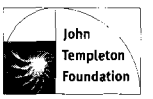

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Rubble from anti-Christian rioting in Egypt

dom to join organizations, and the right of political leaders to campaign. And of course it's true that these elementary rights are still hard to come by in the Arab world: In Egypt, political parties can't be established without government consent. Jordan controls most media outlets and heavily restricts freedom of assembly. In Algeria, women are treated as minors under the legal guardianship of their husbands.

But what the report virtually ignores is the centrality of religious freedom among the bedrock democratic rights. That omission troubles reformers such as Radwan Masmoudi, president of the Washington-based Center for the Study of Islam and Democracy. "Lack of freedom in Muslim countries is stifling societies," he says. "The solution is to allow liberal Islam to grow, which means radically expanding freedom of the press, freedom of religion, freedom of thought, and freedom to form independent organizations."

True, the report's authors endorse the idea of an independent civil society, where groups may criticize government and offer alternative policies. This civic realm, they say, "must be absolutely free from control." They also insist that government should "protect the right of people and groups not only to worship as they wish, in private; but also to promote their values publicly in civil society." There's even frank talk about the way political leaders have "selectively appropriated Islam" to justify oppressive policies.

Yet these themes occupy just a few pages in the 248-page report (criticism of the U.S. occupation in Iraq, for example, gets much more attention). Nowhere is there a direct challenge to the extreme interpretation of sharia, or Islamic law, current in states such as Iran, Sudan, and Saudi Arabia. Nowhere do the authors address the problem of the second-class status of religious minorities throughout the Middle East.

The same omission marked a recent panel discussion of the U.N. report at the Carnegie Endowment for International Peace. Rima Khalaf Hunaidi, the U.N. assistant secretary general who chairs the group's advisory board, called for "comprehensive reforms" of political and economic systems in Arab countries. But she spent almost as much time complaining about Israel's treatment of Palestinians. None of the four panel members tackled the dearth of religious freedom under Muslim rule.

Saudi Arabia is perhaps the worst offender. Under its Wahhabi version of sharia, criticism of the government, Islam, or the ruling family is forbidden. Even on paper, there is no freedom of religion: The law requires that all citizens be Muslims. Non-Muslims officially may worship in private, but fear arrest and persecution. Even Sunni and Shia Muslim communities with long histories in Arabia are treated with contempt.

In Sudan, the Arab regime has waged a ruthless 20-year campaign against Christians and animists in the south; more recently it has helped renegade militias commit genocide against African Muslims in the west. In Egypt—despite a government-controlled press drenched in anti-Semitism—religious minorities generally fare better. One reason for this is the social strength of the Coptic Christian community, which dates back to New Testament times and now numbers at least five million, making it the largest Christian community in the Middle East. Still, converts to Christianity have been tortured by security officials.

Indeed, apostasy laws, which criminalize conversion out of Islam, remain a grave matter in the Muslim world. In Saudi Arabia, any convert from Islam faces a death penalty. Nigeria, despite its constitution, has approved new sharia laws that authorize the killing of apostates. When severe legal penalties are lacking, a culture of threat and persecution often stands in the gap. Even in states with constitutional protections for religious minorities, these minorities' "dhimmi" status denies them a range of civil and political rights—from eligibility for employment in government posts to rights of redress in state-run courts.

"Two distinct historical experiences characterize the native Christian communities of the Middle East and Arab world: the dhimmi and the free," writes Habib Malik, a professor and human rights expert at the Lebanese American University. "Over 90 percent of the 10 million or so Christians of Arab lands are dhimmis and have never known a free and equal and dignified existence." The same might be said of minority Muslim groups living under Islamic governments, whether Sufis in Iran or Ahmadis in Pakistan.

Nevertheless, most Islamic leaders and institutions—and now the scholars of the Arab Human Development Report—seem to have sworn an oath of silence about the problem of religious oppression, especially the plight

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of Muslims who challenge state orthodoxy on religious grounds. The lack of religious liberty prevents debate over the meaning of Islamic texts—a crucial step in offering a progressive interpretation of Islam. For all the talk of a "freedom deficit," the authors of the U.N. report fail to recognize the unique status of religious expression. They thus see no connection between the denial of religious rights and the political and economic stagnation of most of the world's 22 Arab states. Their two previous reports, which examined economic and educational issues, were similarly silent on the point.

"Freedom of religion is the only way to build a strong, moral society," says Radwan Masmoudi, "where people can deal with each other with dignity, respect, trust, and fairness." Progressive thinkers such as Masmoudi advocate "liberal Islam," which considers freedom of conscience a sacred right as well as a central democratic doctrine. They argue that Muslims must recover the Koranic teaching that human beings are created free, and that violations of basic liberties—including freedom of worship—contradict human nature and the will of God.

A hopeful example is that of Lebanon, where there is no state religion and the constitution protects religious expression. Moreover, the recent withdrawal of Syrian troops could help liberalize Lebanon's struggling democracy. Though Muslims now make up about 70 percent of the population, the country is religiously diverse: Muslim groups share power with the historically influential Maronite Christians, and there are significant numbers of Greek Orthodox, Copts, Assyrians, and Baptists. A State Department report from 2002 noted that Lebanon's "religious pluralism and climate of religious freedom have attracted many persons fleeing alleged religious mistreatment and discrimination in neighboring states."

The Arab world needs a prosperous, democratic state that respects its religious diversity—perhaps a Muslim equivalent of the Pennsylvania colony, circa 1774, that so impressed James Madison. Writing to his friend William Bradford, Madison praised the connection between democratic stability and religious pluralism that was missing in his native Virginia. "You are happy in dwelling in a Land where those inestimable privileges are fully enjoyed and the public has long felt the good effects of their religious as well as Civil Liberty," he wrote. "Religious bondage shackles and debilitates the mind and unfits it for every noble enterprise."

That seems an apt warning for political reformers in the Arab world. For until the culture of religious repression is decisively challenged, it's hard to imagine an "Arab spring" that would survive the summer heat of the dictators and theocrats in waiting. ♦

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Advanced Placement for All

The simple-minded logic of *Newsweek*'s high-school rankings. BY DAVID SKINNER

NEWSWEEK RECENTLY published its ranking of the nation's "100 Best" public high schools. Unlike, say, *U.S. News & World Report*'s rankings of law schools, which can be read as a kind of Michelin Guide for aspiring lawyers, the *Newsweek* list offers no such concrete consumer service. It may feed the vanity of those already attending one of the top schools ("See if your high school made *Newsweek*'s cut," the magazine advertises). But only about a third of American high school students choose to attend a high school other than their local one. And in any case, the relevant batch from which most parents pick is local, not national.

But what's really unique about *Newsweek*'s list is that it's based on only one criterion: the proportion of students who, in a given high school, take—not pass, just show up for—any Advanced Placement or International Baccalaureate test.

For a critic of this approach, one need look no further than the College Board itself, which designs and markets Advanced Placement courses and exams. On its website, it says that AP exams "should never be used as a sole measure for gauging educational excellence and equity," and calls media rankings that do so "problematic." Education experts are just as critical. Chester E. Finn Jr. of the Thomas B. Fordham Foundation compares *Newsweek*'s system to judging people's health only by taking their temperature. "You'd be overlooking their blood pressure" and every other indicator of physical well-being, says Finn. Tom Loveless of the Brookings Institution is even more adamant: "Any ranking system worth anything at all must have at its core student learning. And this one does not."

How could *Newsweek* rank high schools by only a single criterion, one that doesn't even measure whether students are learning anything? Two words: Jay Mathews. He is the author of the *Newsweek* list as well as a staff writer for the *Washington Post* and one of the top education reporters in the country. His enthusiasm for Advanced Placement courses might be described as monomaniacal.

In 1955, the College Board introduced Advanced Placement courses, assuming control of a small experiment in which Ivy League professors and teachers from some of the tonier prep schools had hoped to make high schools and colleges work as "two halves of a common enterprise." Academically rigorous, heavy on homework and reading, and culminating in exams that many universities will give credits for, AP courses are deservedly hailed as a great equalizer. The poster children are no longer from Andover, but from places like Garfield High School in East Los Angeles, where Jaime Escalante (the math teacher portrayed in *Stand and Deliver*) taught low-income immigrant students to pass the College Board's fearsome calculus exam.

Mathews, then the Los Angeles bureau chief of the *Washington Post*, was the first reporter to delve into the pedagogical story of how Escalante confounded the low expectations of a condescending school system by inspiring minorities to prove themselves in the same courses and exams that rich kids from rich schools took. The idea caught fire—and it continues to burn. According to the College Board's most recent report, the number of African-American students who have passed an AP exam has more than doubled since 1996 and the number of Latinos with a passing grade has almost tripled. Education secretary Margaret Spellings called this "further proof that our children respond when we challenge them academically."

Mathews's enthusiasm for AP has placed him among those who see the dilution of educational standards as a major problem. AP, "as far as I can tell," Mathews has said, "after 20 years of watching it closely, has done more to improve U.S. high schools than any other program during that period." Finn calls this claim "extravagant" but also "plausible." Loveless says this "strikes me as correct."

From this discovery that AP courses represent the gold standard in the 60 percent of high schools that offer them, Mathews has more controversially concluded that as many students as possible should be taking them. Teachers have complained that this idea is driving too many subpar students into AP courses, taking time and attention away from the students who are actually prepared to do college-level work.

In a recent exchange with Mathews in the *Washington Post*, Patrick Welsh, a high school English teacher in Alexandria, Virginia, said that Mathews's AP obsession had "unwittingly created an out-of-control monster" and that "image-conscious public school officials [are] so intimidated that they're putting as many kids as possible—and I am not talking about average kids who are willing to do the work—into AP courses." Mathews's rejoinder: Why not just put the average ones in their own AP classes? Because as he sees it, what counts is that students simply take the course and exam, not that they pass.

Come again? Mathews cites the research of two studies to bolster his claim that students who take but fail an AP exam are significantly better off

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than those who aren't exposed to the AP curriculum at all. The first, by Clifford Adelman, an Education Department researcher, showed that students who failed AP exams had better college-graduation rates than those who never took an AP exam—a study Loveless calls "naive" and suffering from selection bias. The second, a larger study based on graduating high school students enrolled in a Texas public college or university, also compared college-graduation rates of students who took but did not pass an AP exam in high school with those who never took any AP exam. Hispanic, African-American, and low-income students who took the AP tests were three times more likely to graduate within five years than their counterparts who never took an AP exam.

Is there selection bias here? Or a classic correlation/causation problem? The student who believes he has a shot at passing a rigorous AP course and exam probably already has more skills than the one who doesn't even try. But for any student who gives it a shot, Advanced Placement courses offer a taste of what they'll be up against in college. This represents no small advantage when over a quarter of entering college freshmen require remedial courses, and many high school students are known to be taking exceptionally easy courses with little or no homework.

Mathews says the purpose of the *Newsweek* list is "to shine a light on America's high schools from an entirely different angle," one that focuses on which schools are challenging their students to work hard. But schools do many things and Mathews looks at only one of them. Isn't that a fundamental flaw in his ranking?

"It is suspicious," he admits, "but I embrace it because it is simpleminded." The proportion of students taking an AP exam—what Mathews calls the Challenge Index—is, he says, a worthy measure because it is transparent and easy to figure out for any given school. Mathews speaks with the insouciance of a happy warrior. Taking calls from critics, he says, "is my hobby."

What would be so bad about more kids taking Advanced Placement courses and exams, even failing them? It might, of course, lead to a watering down. As if on cue, the College Board last week announced that it was looking to revise its courses to decrease the amount of "content coverage." But even this Mathews takes as a good sign, meaning the AP courses will probably more closely resemble the International Baccalaureate program as a result. IB exams are even longer and involve more writing and fewer multiple choice questions, thus answering some of the progressive critics for whom the AP-type survey course has long been anathema.

The *Newsweek* list is perhaps best understood as a PR stunt. Its primary purpose is to draw attention to the role AP and IB courses and exams can play in strengthening the curricula of American high schools. Despite the alarms raised by Welsh and other critics, one can think of many worse educational fads than an Advanced Placement arms race among high schools. ♦

Michael Ramirez

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In 2008, Will It Be Mormon in America?

Massachusetts governor Mitt Romney ponders a presidential bid

By Terry Eastland

You remember, or perhaps you don't, Sen. Orrin Hatch's 2000 presidential campaign. The senator talks about it in soft inflections, recalling this event and that debate. But especially he talks about what motivated him to run. Hatch, a member of the Church of Jesus Christ of Latter-day Saints, cites polling data from 1999 suggesting that 17 percent of Americans wouldn't vote for a Mormon for president under any circumstances. "One reason I ran was to knock down the prejudicial wall that exists" against Mormons, he says. "I wanted to make it easier for the next candidate of my faith."

C. F. Payne

That next candidate just might be Mitt Romney, the Republican governor of Massachusetts.

It may seem too early to be talking about 2008. But George W. Bush can't run again, and, in a break from the usual pattern, the vice president, Richard Cheney, probably won't be a candidate. So the field looks wide open. And Romney is among those being mentioned in the press and GOP circles for 2008. He'd be a legitimate candidate, regardless of who else might run.

Terry Eastland is publisher of The Weekly Standard.

But would his religion hurt him? Would he run into a prejudicial wall? Maybe, though there are reasons to think otherwise. The country could be looking at its first Mormon president—or, as Romney would prefer to put it, a president who happens to be a Mormon.

Willard Mitt Romney is a native of Michigan, the son of the late George Romney, CEO of American Motors, a three-term governor of Michigan in the 1960s, Nixon's secretary of Housing and Urban Development, and, briefly in 1968, a presidential candidate. Mitt Romney went to Brigham Young University (he was valedictorian in the College of the Humanities) before collecting business and law degrees from Harvard. Staying in Boston, he worked for a consulting firm for three years, then founded a venture capital company. Romney acquired a reputation for fixing troubled companies, so it wasn't surprising that in 1990 his own company, which he'd left and which was sinking into debt, asked him to come back and save it.

But Romney's most remarkable intervention—the one that placed him on a national stage—came with the 2002 Winter Olympics held in Salt Lake City. In 1999 the event already was $379 million in debt, and there were allegations of bribery involving top officials. Romney was asked

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to head up the games. Under his leadership, they turned into a spectacular success, clearing a profit of $100 million. Romney himself contributed $1 million, and donated his three years of pay ($275,000 per annum) to charity.

"He was absolutely spectacular," says Rocky Anderson, the Democratic mayor of Salt Lake City. "He was a strong leader, extremely competent. He walked into an utter disaster, and slashed spending without cutting corners on what was necessary to put on an absolutely extraordinary Olympics. . . . With his unique management skills we came out in the black—which no one ever dreamed."

The first public office Romney sought was a legislative one, in 1994, when he challenged Senator Ted Kennedy. Romney said he ran for the sake of the two-party system, and of course he lost, though the margin was, as Kennedy victories go, narrow at 58 to 41 percent. Given his executive personality, Romney would have been miscast as a senator, but he scored points with Republicans for taking one for the team in the nation's most Democratic state. Eight years later, right after the 2002 Winter Olympics concluded, Romney ran for governor and won by 50 to 45 percent, with third parties splitting the remainder.

As governor, Romney has scored another turnaround, conservative in both ends and means. Told during the campaign that he would inherit a deficit of between $500 million and $1.5 billion, Romney discovered upon taking office a $650 million deficit in fiscal 2003 and an anticipated one of $3 billion in fiscal 2004. Romney balanced the 2003 budget, and he finished 2004 with a $700 million surplus. A reviving economy helped, but Romney didn't tax or borrow, and he reduced spending through government consolidation and reform.

Romney hasn't been able to turn around the infamous decision by the Massachusetts Supreme Judicial Court affirming same-sex marriage. But he sharply criticized the ruling when it was handed down, and he continues to push for a state constitutional amendment defining marriage as the union of a man and a woman. Romney currently is in a fight with the statehouse over legislation he opposes that would authorize the cloning of human embryos for experimentation and research.

Romney is a youthful 58. He and his wife Ann met in high school in Michigan and have been married since 1969. They raised five boys, all now married, and have eight grandchildren. Romney gives a good speech. He can be genuinely funny, and at his own expense. He looks like someone who could be president of the United States. He is also ambitious.

In 2004 supporters of Romney formed the Commonwealth Political Action Committee, which has contributed $218,000 to 225 GOP candidates and party organizations in 17 states. In recent months he has spoken to Republican audiences in Iowa, Michigan, Missouri, and South Carolina. "Mitt is testing the waters," says his friend and political consultant Michael Murphy. And the waters in South Carolina are feeling just fine, to judge by what Rick Beltran, chairman of the Spartanburg County GOP, told me. Beltran says the speech Romney gave in Spartanburg on Presidents' Day impressed the audience of about 400, which was made up mostly of "hard R's, the kind of people he'd need to attract to become president."

Romney would have to stand for reelection in 2006 if he were to stay on as governor. He says he'll decide this fall whether to run again. "There are factors that I will consider before making a final decision," he told me during an interview in his office in Boston. Some of those "factors" have to do with a presidential bid. If Romney ran for a second term, and the state's voters denied it, he'd be an implausible presidential candidate. On the other hand, if he won he'd quickly find himself faced, if he still wanted to run for president, with whether he should resign.

Romney says he's been told "the demands of running for national office today are such that the two years prior to the general election you are basically running full time. There are probably some states where the people would say, 'Hey, we are going to elect you as governor and we don't care if you do something else full-time for two years.' But Massachusetts isn't one of those states, New York isn't, Michigan isn't, Ohio isn't." (Texas is one, where George W. Bush ran for reelection in 1998 having told voters he might run for president in 2000.) Romney also has noticed that some rumored 2008 candidates wouldn't be constrained by obligations of office—Bill Frist, who's giving up his Senate seat in 2006, and Rudy Giuliani, who has been the former mayor of New York City for over three years now. "If we look back in history," says Romney, "Ronald Reagan wasn't a sitting governor" when he ran for president, "Howard Dean wasn't a sitting governor. They had finished their responsibilities and were able to focus on the race." Romney also happened to criticize John Kerry for not resigning as senator while he ran for president. "My guess," says Romney, "is that if I were to try that, someone would notice what I'd said before."

Early primary states include Iowa, New Hampshire, South Carolina, Michigan, and Arizona. And Romney has advantages in three: New Hampshire, where Boston news is effectively local news, so he already is well known to the state's Republican voters; Michigan, where Romney grew up and his father is remembered fondly; and Arizona, where Mormons, who are almost certainly inclined to look favorably on a Romney candidacy, comprise 6 percent of the population. Romney also knows that a viable presidential candidate must have adequate funds. He has a demonstrated ability to raise money—having done so for the

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Olympics. But he also has his own fortune—not inherited, but made. Says Murphy, "He'd be an electable Forbes."

Murphy has a theory of presidential elections. "First the party," he says, "and then the country look for the right guy at the right time." The party, via the primaries, will look for a conservative, most definitely. But beyond that it's hard to say what the party will be looking for, because precise issues are not yet in sight. In his speeches to Republican activists, Romney plays off the extremely Democratic state he governs to highlight his conservative credentials. Thus, in Spartanburg, he said, "Being the only red dot in Massachusetts is a little difficult, and sometimes high stress." And: "Being a conservative Republican in Massachusetts is a bit like being a cattle rancher at a vegetarian convention." And: "We are not Taxachusetts anymore."

But Romney has also found a way to talk beyond the present moment and toward the unknown political landscape of 2008 by describing challenges to our national security, to the economy, and to the culture. The specific issues he addresses within each category can change with events, but the categories themselves are general enough to last. And making one of them "national security" is smart, for it enables Romney to address matters beyond a governor's jurisdiction—and that must be the top priority of any president. Romney, who spent $300 million protecting 10 Olympic venues for 17 days during the 2002 Winter Games, and who serves on the Homeland Security Advisory Council, believes that "we need much better intelligence, . . . a far more comprehensive and extensive intelligence capability." He is also concerned about "the long-term military threats that we may face as the Asian world emerges economically."

Romney's political experience is limited—two campaigns and two-plus years as governor. But he has a record on economic and social issues that should appeal to conservatives. And his service as a governor might work in his favor with voters generally—it often has for governors who run for president. There is this wild card, too: If the economy is in the tank, or government in some genuine crisis, Romney will plausibly be able to represent himself as the man who could turn things around. In sum, Romney would make an appealing candidate. He just might be "the right guy at the right time." Even though he is a Mormon.

The Church of Jesus Christ of Latter-day Saints teaches a religion that is uniquely American. The church was founded in 1830 in upstate New York by Joseph Smith, who claimed to be a prophet of God. A key part of the church's scripture is the *Book of Mormon*, which provides an account of events in ancient America that the church says was written by prophets of old. Mormons believe that our government was divinely inspired, that the Garden of Eden was located in Missouri, and that Missouri is where Christ will come again.

Nonetheless, Mormons found it rough going in America, even when they tried to settle in Missouri. Unable to find a place where they could live in peace, secure in the free exercise of their religion, they decided to leave the country after Joseph Smith was murdered in 1844. And so, in 1846, they began their difficult exodus west to the Great Salt Lake Basin, helping to settle the Mountain West. They called their gathering place Zion, and there they established cohesive communities under the ultimate authority of church leaders headquartered in Salt Lake City. Not incidentally, Miles Park Romney, Mitt Romney's great-great-grandfather, was one of the early Mormon pioneers.

Today, Zion is no longer deemed to be in Utah and nearby states, but everywhere the church is. As Elder Henry Eyring, one of the church's 12 apostles, told me during an interview in his headquarters office, "Zion is where you are. You'll have the protection you need wherever you are." In the United States and around the world, the church's membership is now above 11 million. As the Mormon diaspora has developed, the church, write Richard and Joan Ostling in their recent book, *Mormon America*, has become "a denomination like any other, accepting the life of a normal group functioning within the ordinary boundaries of the secular world." Yet to judge by the aforementioned survey results from 1999, which were consistent with poll results from 1967, and also by what Hatch says about his own experience as a candidate in 2000, a Mormon running for president may find his religion a handicap.

Apparently some people so dislike Mormonism, or find it so odd, that they wouldn't vote for a Mormon. You can speculate about why that is. Maybe it's the hierarchical character of the church—it's administered top-down from Salt Lake City by the men who comprise the General Authorities, the First Presidency (encompassing the president and his first counselor and second counselor), and the Quorum of the Twelve Apostles. Or maybe it's the church's secrecy. The General Authorities disclose little about the operations or finances of the nation's richest religion per capita. And Mormon temples, where weddings and other ceremonies, including proxy baptisms, are performed, are closed to non-Mormons. Then there's polygamy, introduced by Joseph Smith (who had 49 wives) and practiced until, a century ago, the church finally realized that the federal government would not tolerate it. And there's church and state: Some people fear that, deep down, Mormons want to gain control of the government and turn the United States into their kingdom of God.

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Some of those objections might fade if voters got to know a Mormon of compelling political credentials, and came to feel comfortable with him. Other objections might have to be answered directly. In regard to polygamy, for example, it would be unfair to hang that history around the neck of Romney, the husband of one and only one wife since their marriage 36 years ago.

As for church and state, Mormons don't seem especially threatening to the prevailing order. The church doesn't endorse candidates. It stays out of partisan matters, refusing even to let individual churches or their membership lists be used for partisan purposes. It does encourage citizens to vote: Before elections the church urges members to consider the issues and candidates, "and then vote for the people that best represent their ideas of good government," according to a spokesman. Like most churches, it participates in law cases raising religious liberty issues, often partnering with religious bodies of diverse beliefs. Here, in a friend-of-the court capacity, the church seeks to protect its ability to proselytize and to hire church officials and employees. The church rarely joins an Establishment-Clause case. It stays out of public aid cases as a matter of church doctrine, since it doesn't accept government funds to assist with any of its operations. It didn't participate in last year's Pledge of Allegiance case in which "under God" was at issue, or in the Ten Commandments cases heard by the Supreme Court in the current term.

The church does occasionally speak out on what it calls "matters of principle." In the 1970s and early 1980s, it helped defeat the Equal Rights Amendment. More recently it has affirmed the traditional definition of marriage and contributed to referendum drives banning same-sex unions. The church seems to distinguish ballot-measures from elections for office, seeing only the latter as partisan. In any case, the church's efforts in these respects have a common theme—protection of the traditional family. It is a defensive posture.

Again, if Romney runs, voters will be confronted not with Mormonism in general but with a particular Mormon. Romney grew up in the church and, as is typical, was baptized at age 8, joined the priesthood at 12, and became an elder when he was 18. In his early 20s, he served as a missionary in France. "Most of each day," he recalls, "was spent responding to: 'You are American, aren't you? Well, get out of Vietnam!'" Romney has served as a Sunday school teacher. He also tithes, as Mormons are expected to, and gives generously to those with special needs.

Romney hasn't felt compelled to regard the church's guidance to its members as sufficient in matters of public policy. He emphasizes his independence in assessing issues. He points out that he doesn't drink, consistent with what his church advises, yet he signed a bill permitting liquor sales on Sunday because "there is nothing wrong with drinking alcohol if you do it properly and responsibly." He notes, too, that he doesn't smoke, again as his church counsels, but that it was public-health arguments that caused him to approve a ban on smoking in public places.

On a more momentous issue, abortion, Romney told voters when he ran for the Senate in 1994 that he was personally opposed to abortion but that abortion should be "safe and legal in this country," and that "we should sustain and support" *Roe* v. *Wade* because it had been law for 20 years. When Romney ran for governor in 2002, he maintained his position on *Roe*, but also indicated that he didn't want to be known as "pro-choice." He promised voters that he would honor a "moratorium," meaning he would not try to move state abortion law in one direction or the other, and he's kept his word. Romney speaks of the moratorium as an act of deference to "an overwhelmingly pro-choice state" and not as reflecting any commitment he might still have to a pro-abortion rights position. "I recognize the right for a state to choose its own course," he says. Romney describes himself as "pro-life," but his own moratorium has prevented him from moving abortion policy in that direction, were he inclined to do so. On abortion, Romney's church is in favor of life but permissive of abortion in cases of incest or rape or when the mother's life or health is threatened (that last a very roomy loophole). Suffice to say, Romney has not seen fit to advance his church's policy.

On the question of when life begins, Romney is actually to the right of some members of his church, since, invoking science, he says life begins at conception ("when all the genetic elements are in place for a human being to develop"), while some co-religionists say it doesn't begin until implantation occurs, because "there's no soul" until then. Romney's position on when life begins has shaped his response to the therapeutic cloning legislation just passed by the Massachusetts legislature. Romney says it would sanction "the creation of life with the intent of destroying it. For me, that's the line I draw. Other people, other Republicans"—including other Mormons—"draw the line in different places."

Romney's opposition to same-sex marriage is consistent with that of the General Authorities in Salt Lake City. But his arguments against same-sex marriage don't use religious language. And he makes an arresting observation. He says the disposition of the federal marriage amendment is likely to turn not on what people think about "individuals who are gay being married" but on how they regard an implication of accepting same-sex marriage, namely that schools will have to teach "indifference" as to whether parents of the same or the opposite sex

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will be raising children. "The area of focus will be . . . what is the ideal setting for raising a child and [whether] we are indifferent as a society about having a mother and father, and I don't think we are. I think most Americans will insist on maintaining that dual gender conception."

Regarding the passage in Mormon Scripture stating that the American founding documents were inspired by God, Romney says, "Yes, my own faith believes that." But he adds, "My guess is that most Americans think the same thing." As to the desirability of advancing freedom and democracy in other parts of the world, he said he regards the questions involved in that project as "geopolitical, not religious." Romney emphasizes how his faith is like "every other faith" in that it has "fundamental values that are quintessentially American." Observing, "I surely don't think that it hurts for an individual [running for president] to openly express the fact that they believe in God," he adds that it's "a good thing" that someone who did that in 2000 has, as president, gone to one church and then another and is "seen as embracing a wide array of faiths." Like Bush and many who preceded him in the Oval Office, Romney occasionally invokes Providence in speeches.

Most Mormons would be thrilled at the prospect of a Romney candidacy, and not just because Romney is a Republican and Mormons overwhelmingly vote Republican (they went 95 to 5 percent for Bush in 2004, up from 88 to 12 percent in 2000). While Mormons are dispersed throughout America and engage in the same professions and activities as non-Mormons, they by no means have forgotten their history and would tend to see Romney's election as a sign that they are accepted as full participants in the American experiment. In an interview at his office, Robert Millet, professor of religion at Brigham Young University, said, "It would be a statement that to some extent people have begun to treat Mormons as something other than an oddity."

Romney's prospects can't be fully assessed without coming to grips with this fact: Most Americans are affiliated with churches that—notwithstanding important differences among Catholics, mainline Protestants, and evangelical Protestants—stand in the same line of historic or traditional Christianity. The Church of Jesus Christ of Latter-day Saints, as its most articulate representatives will tell you, stands apart from that line.

Mormonism says that the early church fell away from the truth and withered for roughly 17 centuries and that "in the latter days" Christ has been restoring his church. He has done so through living prophets in receipt of continuous revelation that becomes Scripture and may guide interpretation of the Bible. Historic Christianity does not accept Mormonism's belief in the necessity of a restored church; or its understanding of modern prophets and continuous revelation; or its acceptance of an open canon of Scripture, which for Mormons includes the Bible, the *Book of Mormon*, *Doctrine and Covenants*, and *Pearl of Great Price*.

There are more differences: Mormonism says that God has a material body and that he had a beginning in time, having himself been fathered by another God, but historic Christianity (and Judaism, too) says that God is a spirit and that there is none before him or after him—that he is eternal. Mormonism says that God created the universe out of existing matter, while historic Christianity (and Judaism, too) says that creation was *ex nihilo*. Mormonism says that God fathered every human being—we lived with him in "the preexistence" before our sojourn here on earth. Mormonism thus believes that God and man are ontologically the same—the same species, if you will. But historic Christianity (and Judaism) maintains a sharp distinction between God and man. Regarding man's destiny, Mormonism says that man may become (in Joseph Smith's statement) "what God is," a phrase that would seem to encompass all of God's attributes, but historic Christianity says that by grace man may become not God but like God, and that by no means will man acquire God's "incommunicable" attributes, such as omniscience and omnipotence.

Protestants and Catholics who are serious about their Christian faith are likely to see Mormonism as heretical in key respects, even non-Christian. The historian and scholar of Mormonism Jan Shipps has described it as not a part of traditional Christianity as such but "a new religious tradition." Would such perceptions of Mormonism lead voters to decide they couldn't vote for Romney? The question is especially relevant with respect to evangelical Protestants, for three reasons. First, in sheer numbers they are the largest group in the Republican coalition, as defined by church affiliation. Second, they tend to be quite active during the primary season and can influence outcomes, especially in the South where they are most numerous. Third, while no Christian body accepts a Mormon baptism as valid, evangelicals have tended to be more critical of Latter-day Saints doctrine than mainline Protestants or Catholics, with some evangelicals (and more fundamentalists) labeling the church a "cult." Millet says that "the greatest tension" has been with evangelicals, who have written "most all of the anti-Mormon stuff."

What do evangelical leaders active in politically conservative circles say about a Romney candidacy? Many I asked were reluctant to be quoted by name. As one of them told me, "We have to work with Mormons." Over

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the past quarter-century Mormons have made common cause with politically conservative evangelicals (and Catholics) on a broad range of issues involving marriage, family, abortion, stem cells, pornography, and religious liberty. Moreover, Mormons have worked alongside evangelicals for many of the same candidates at election time.

Someone willing to go on the record was Charles Colson of Prison Fellowship. Notwithstanding his "fundamental" theological differences with Mormonism, Colson said, "I could in very good conscience support Romney," calling him "a first-rate guy in every respect" and "a social conservative on most of the issues we care about." Colson obviously wasn't declaring for Romney, but simply indicating that he would not in religious principle, so to speak, be opposed to Romney and indeed could find political reasons to support him. Whether he would actually do so, of course, would "all depend on what the line-up is" and "where each person stands." The other evangelical leaders I contacted took the same view. Colson offered the likely correct forecast: Romney's appeal to evangelicals might slacken if a competent evangelical or Catholic with social views similar to Romney's were in the race; on the other hand, Romney's stock with evangelicals might go up if he were pitted against candidates holding more liberal social views, regardless of their religion. One evangelical leader offered this succinct take on whether Romney's faith would hurt him in the primaries: "Against Giuliani, no. Against Frist, yes. Against [Rick] Santorum, yes. Against Arnold [Schwarzenegger, who is ineligible], no."

Romney's positions on social issues could make or break his candidacy, and social conservatives who've followed his term as governor tend to give him mixed, though on balance positive, reviews. He's generally praised for his stand against same-sex marriage, though some conservatives think he could have used his executive powers to prevent the implementation of the state Supreme Court's decision affirming such unions. He's applauded as well for opposing the creation of embryos for research. But he's drawn criticism because he would allow research using "surplus" embryos created through in-vitro fertilization.

On abortion, Romney's "moratorium" on changes in the law gets lower marks, since it prevents any movement in a pro-life direction. Even so, Kristian Mineau, president of the Massachusetts Family Institute, recognizes that Romney's position on abortion is "more conservative than some of the alternatives in our state." Romney knows that a moratorium wouldn't be viable at the federal level, where abortion policy has multiple opportunities to move this way or that, through new legislation, new regulations, and new litigation. "It would be very different for anyone that is considering a federal office—they have a very different series of considerations they have to look at," he says. "But given the fact that I am not running for federal office at this point in my life, I am not going to get into exactly how I would solve that." Perhaps later.

Romney knows firsthand how his religion can be exploited in negative campaigning. When he ran against Ted Kennedy in 1994, then-congressman Joe Kennedy, the senator's nephew, said Romney was "a member of the white boys' club," a not-so-veiled reference to the Mormon priesthood, closed to blacks until 1978, when then-church president Spencer Kimball, having received the necessary revelation, announced that the priesthood was open to males without regard to race or ethnicity. The Kennedy campaign also said that Romney's church treated not just black people but also women (because they are barred from the priesthood) as "second-class citizens."

Romney responded: "I am sad to see Ted Kennedy taking away his brother's victory," saying he opposed discrimination in any form but would not "publicly criticize" his church. Ted Kennedy's brother John faced and overcame anti-Catholic sentiment in 1960, when he became the first (and so far only) Catholic to be elected president. Ted Kennedy backed away from his campaign's use of Mormonism, saying, "I believe that religion should not be an issue." For his part, Joe Kennedy said he didn't know that the priesthood had been opened to blacks, and he apologized. But the attack may have had the desired effect. Ted Kennedy's poll numbers went up and stayed up. For Romney personally, the episode was especially ugly, since his father was an early, strong advocate of the 1960s civil rights laws. Romney told me that "the happiest day" in his life from a religious standpoint occurred when Kimball said blacks could now enter the priesthood. "I was driving when it came on the radio, on Fresh Pond Parkway. I pulled over and went into a parking lot. I was overjoyed."

If Romney ran and were in the lead or gaining ground, a desperate candidate, or more likely a political action committee, might bring up the church's pre-1978 exclusion of blacks from the priesthood, or the continuing exclusion of women. Or there might be an attack on Mormon doctrine—to the effect that Romney is a member of a cult. The evangelical leaders I spoke with said that such an attack wouldn't work, as it would be seen as way over the line of what's politically acceptable. It's interesting to imagine who might rise to Romney's defense, and it's not inconceivable that Harry Reid—the Senate minority leader and a Mormon (one of just 4 Democrats among the 16 Mormons in the Senate and the

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House)—would protest, especially if his party or its allies were the ones lobbing the grenades.

It's conceivable, too, that some evangelicals might speak out. In recent years a small group of evangelical theologians and Mormon scholars of religion, including Robert Millet, have been meeting to discuss doctrinal issues. The conversations have been civil. Friendships have developed. Differences have been refined, though of course critical ones remain. "The biggest," says Millet, concerns "the necessity for more than a reformation, the necessity for a restoration of divine authority through modern-day prophets."

The recent book *How Wide the Divide?* reflects the kind of dialogue underway: A professor of ancient Scripture at Brigham Young University, Stephen Robinson, and a professor of New Testament at Denver Seminary, Craig Blomberg, wrote separately on the same four topics—Scripture, God & Deification, Christ & the Trinity, and Salvation—and then elaborated on points of agreement and disagreement. The book's subtitle is, *A Mormon & an Evangelical in Conversation*.

In November the Latter-day Saints opened the Mormon Tabernacle to the evangelical apologist Ravi Zacharias, who gave a sermon attended by both evangelicals and Mormons. Zacharias observed key differences between churches in the line of historic Christianity and the Church of Jesus Christ of Latter-day Saints, but also said they shared a reverence for Christ as Savior. Especially notable were remarks at the same event by Richard Mouw, president of Fuller Theological Seminary in Pasadena, which bills itself as the world's largest multidenominational seminary. Mouw issued an apology to Mormons, saying, "We evangelicals have sinned against you" by "seriously misrepresent[ing] the beliefs and practices of members of [your] faith." Some evangelicals are critical of Mouw for presuming to speak for all evangelicals and, more generally, of Mouw and other evangelicals for their continuing dialogue with Mormon scholars. As one evangelical critic told me, "It's everything a Mormon could dream of to make Mormons theologically legitimate." The conversations continue, with one scheduled for November at Fuller.

If there seems to be a budding ecumenism between evangelicals and Mormons, a version of it may involve Romney. During my visit to his office, I noticed a tall book case containing memorabilia from campaigns past and also the Bible his father held when he was sworn in as governor, and which Mitt Romney held when it was his turn, in 2003. I also saw other books, none of which Romney said occupied his time, save for the one with a blue back he pulled from its shelf. It was *The Purpose Driven Life*, which has sold more than 22 million copies and is back on the best-seller lists. The author is Rick Warren, pastor of Saddleback Church, the megachurch in Southern California. Romney said he recently had a breakfast scheduled with Warren, who'd sent him the book. The night before they were to meet Romney realized he hadn't read it, so he did, all 40 chapters. When they met the next morning, "Rick told me I just had to read one chapter a day, for 40 days!"

As for the question that I came to Boston to ask Romney—whether he thought a Mormon could be elected president—he said: "This is a nation that will always welcome people of faith, and my party, in particular, will welcome people of faith. I think if you said, 'Look, we have a candidate for you, and you can know nothing about this person, except [his] religion, that's the only thing that you can know, this person is a Mormon, but that's all you can know. Do you want [him] as president?' Well my guess is with all of the misunderstanding and lack of understanding and differences between one religion and another, that I think a lot of people would say, 'Gosh, I am not sure that that makes me feel real comfortable.' But if you said, 'Here's a human being that has done this and this and this, and here's [his] family, and here [are his] political views,' and so forth, then [the person is] going to get defined by those other things far more than by [his] religion alone and [his] religion would be seen as the basis of values that would either be consistent with the voters' or inconsistent."

At another moment during the interview, Romney pursued the point in a different way by positing "stick figures"—people we know nothing about "except we are told their religion. Well, we are going to say, 'I like that one better than that one, and I don't like this one but I like that one.' But there are no stick figures in politics, you have human beings, who have families, who have lived careers, who have political positions, whom you have watched debate. You know them as human beings, and their religious affiliation actually becomes only one small part of the person."

Here Romney had in mind his father. "I think before anyone heard of my dad, the fact that he was a Mormon could have been a real big matter of consideration" when he decided to run for governor. But after people got to know him as the president of an automobile company, and then as the chairman of the convention that wrote the new state constitution, Romney said, they liked him. And the thought some people might have had—"'Oh, he's a Mormon!'—well, so what? It became such a footnote."

Indeed it did, and it appears that the son hopes it will be the same with him—if he runs for president. Mitt Romney is a man comfortable being who he is, and prepared to let Americans assess him as they will. ♦

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Bring Them Home

Why South Korea should open its doors to refugees from the North

By Nicholas Eberstadt

Seoul

In recent decades, more than one constitutional democracy has been faced with the prospect of a humanitarian crisis afflicting compatriots living beyond its borders. And on more than one occasion, such states have come to the rescue of their countrymen—by welcoming them into the homeland, embracing them as fellow citizens, and permitting them to enjoy the opportunities and benefits of life under secure, constitutional and democratic rule.

The Federal Republic of Germany faced such a crisis in the very earliest days of its existence, when the ethnic Germans who came to be called *Vertriebene*—most of them women and children—were fleeing from the harsh and vindictive Soviet expansion. West Germany welcomed these unfortunates, even though it was not clear that the still-devastated German economic terrain could provide for all these new mouths. Accommodating this influx of needy refugees—a population of over 11 million, disproportionately made up of the elderly, the infirm, and casualties of war—was more than an incidental inconvenience for a then-fragile West German society, where semi-starvation rations were the norm. Informed opinion, both in West Germany and abroad, held that the prospects for the *Vertriebene* were bleak—and that the burden of supporting them could only compromise the future of a free Germany. Yet in the event, the miserable unfortunates who flooded into the Federal Republic were soon to prove integral to what became known as the *Wirtschaftswunder*—the German postwar economic "miracle."

As West Germany flourished, the Federal Republic not only continued to welcome in its kinsmen, but sought them out, financing their transit and even purchasing their freedom from the odious dictatorships that held them in bondage. In addition to the *Vertriebene*, the Federal Republic of Germany was to absorb another 8 million ethnic German *Aussiedler* (from the former Soviet Union, Poland, and elsewhere) in the four decades between the early 1950s and the German nation's ultimate reunification.

The state of Israel also has faced recurrent humanitarian refugee crises. Hapless, impoverished, and persecuted Jewish populations figured all too prominently within the worldwide Jewish diaspora. From the very founding of the Israeli state in 1948, the government of Israel made a point not only to welcome these Jews into their country with open arms, but also actively to seek them out, and to aid in their passage to their promised land.

Particularly dramatic mass rescue efforts were organized for the endangered Jews of Yemen, and then, decades later, for the starving *Beta Israel* (Jews sometimes called *Falasha*) from Ethiopia. These bold and successful air missions are recorded by history as "Operation Flying Carpet," "Operation Moses," "Operation Solomon," and "Operation Sheba." In an inconstant and often heartless world, their inspiring example has demonstrated the potential of humanitarian rescue if a free society is genuinely committed to serving as "its brother's keeper."

Those stirring Israeli rescue missions, it is worth noting, raised their own concerns and questions among the populace receiving the desperate pilgrims. The impoverished and benighted Jews from Yemen and Ethiopia were utter strangers to modernity. Most of them could not read; many of them had never owned a pair of shoes; some had never seen an airplane until the moment of their deliverance. How could such people stand a chance of meeting the challenges of life in a sophisticated industrial society?

Today we know the answer. The story of Yemeni and Ethiopian assimilation into modern Israeli society was not perfect—tales involving human beings never are. With the passage of time, nevertheless, integration has

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AP / UNICEF

A U.N. worker measures malnutrition in North Korea, 1997.

worked remarkably well—far better than many would have dared to hope. The Yemeni and Ethiopian refugees and their descendants are loyal and productive citizens in their newfound homeland—proud supporters of Israeli democracy and participants in the Israeli economy. Moreover, by this loving gesture to "the least of her people," Israel's democracy was *itself* further affirmed and further strengthened.

Today, it is the Republic of Korea that faces a humanitarian crisis among exiled compatriots. This is a terrible saga, an ongoing tragedy. It is not "breaking news," nor has it exactly escaped international notice. Quite the contrary: Over the past decade, this piteous situation has been chronicled in practically every tongue (all the languages of the United Nations, at the very least). But let me recount it anyway.

Not far from Seoul—maybe a half hour's journey north, by jet plane—an untold number of terrified Koreans are hiding in a foreign land, engaged in a grave and uncertain struggle for survival. (There may be tens of thousands in the ranks of these *misérables*, or there may be hundreds of thousands—it is a chilling indication of their plight that we should have no reliable information about such a basic fact.) These wretched vagabonds—most of them women and children—are escapees from North Korea. They have crossed the Yalu and the Tumen into China in tiny groups, driven into the unknown by Kim Jong Il's man-made famine. That catastrophe—the only peacetime famine to befall an urbanized, literate society in all of human history—claimed hundreds upon hundreds of thousands of victims in the 1990s; though the death toll from the ongoing North Korean food crisis seems for the moment to have subsided, hunger remains a dire problem there—especially for that society's officially disfavored strata.

For the North Korean border-crossers in China, existence is stripped of the most modest vestiges of ordinary human dignity. Local rules of survival oblige these people to live like animals—if they hope to live at all. Many of the border-crossers stay in the woods, sleeping by day and foraging by night, alone and in constant fear of discovery by fellow humans. The women can be sold, like cattle; the men are regularly hunted down and rounded up, almost like dogs.

These escapees are at the mercy of the least scrupulous element of the populace north of the Yalu River. They can be robbed without recourse—or raped, or beaten and killed just for the fun of it. And that is the peril when their hunters are simply ordinary villagers or townsmen. When they are captured by local security agents or members of the secret police, their fate is possibly even more frightening—for then they are deported back to North Korea, a receiving state that regards any voluntary departure from Kim Jong Il's "paradise" as a crime, an act of betrayal verging on treason. The deportees forced back into North Korea face unspeakable punishments in political prisons, reeducation camps, and special detention camps for children. In addition to the tortures returnees can expect to face themselves, there is the added pain of knowing that their family line is subject to retribution—for in the North Korean control system, horrible penalties can fall on family members as many as three generations removed from the perpetrator of a so-called political crime.

The conditions facing today's North Korean border-crossers are no less grim than those of the *Vertriebene* or *Falasha/Beta Israel* before them, and likely are more dire. The case for a Republic of Korea rescue of these escapees—that is to say, for aiding in their relocation to the South, for welcoming them into South Korean life, and for positively determining to abet their integration as citizens and members of South Korean society—is compelling, in fact, overwhelming.

Indeed, it is imperative that the Republic of Korea—for legal, and for moral, but also for entirely practical

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reasons—accept the challenge posed by the distress of these very vulnerable fellow Koreans and rise to meet it.

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Kim Jong Il has created the only peacetime famine in history in an urbanized, literate society.

Here are just a few of those reasons. Welcoming and embracing North Korean escapees who wish to come to the Republic of Korea (ROK) and enjoy the guarantees of constitutional democracy is not simply a sentimental impulse. Rather it is a position consistent with the ROK's most basic laws. The rights and jurisdiction of people living in the northern part of the Korean peninsula are spelled out in the ROK constitution. Though the constitution went through nine revisions between 1948 and 1987, the basic promise of citizenship held out to brethren in the North never waivered. Nor does it today—from the standpoint of the written law.

After stipulating that the government of the ROK has the right to define nationality for the country, the constitution goes on to define the legal conception of the Korean nation in Article 3: "The territory of the Republic of Korea shall consist of the Korean peninsula and its adjacent islands." And it goes further, stipulating that "the State shall protect its citizens abroad as provided by Act." Are ordinary North Koreans who wish to claim South Korean citizenship eligible for it under ROK law? The answer is unambiguously yes. The question in fact has been reviewed and settled by the ROK Supreme Court.

On November 12, 1996, the Court ruled on a pending deportation case that one Ms. Lee Young Soon, a North Korean who had been living in China, but had made her way to the South, was in fact automatically qualified for ROK citizenship. The relevant portion of the ruling reads as follows: "Under Clause 3 of the [ROK] Constitution, North Koreans should be acknowledged as citizens of the Republic of Korea."

Reaffirming the Republic of Korea's constitutional obligations to North Korean escapees would have intangible but far-reaching and salutary effects for South Korea, both domestically and internationally. Such a declaration would strengthen the rule of law in South Korea, reinforcing the political foundations upon which the ROK's own freedom, prosperity, and security ultimately rest. And it would provide a magnificent demonstration to the world that South Korea's commitment to its basic legal principles is not merely rhetorical or opportunistic.

South Korea, it bears remembering, is still a state under siege—like Israel, the Republic of Korea remains locked in conflict with neighboring forces that entirely deny its authority or even its right to exist at all. No gesture would better remind the international community of the reasons that the Republic of Korea is the legitimate state in the intra-peninsular contest than welcoming the refugees home.

Rescuing the North Korean escapees is unquestionably the right thing to do from a humanitarian standpoint, as well. The circumstances that have forced North Koreans to risk their lives crossing the Chinese border to forage and beg are so awful as to defy understanding by the comfortable, the well-fed, and the well-protected. North Korea's subjects have long suffered under a police state once described by Robert Scalapino, the eminent Asia scholar, as "the closest approximation of totalitarianism that could be achieved by a society operated by human beings." As many as a million—or more—were killed in the Great North Korean Famine of the 1990s.

Because of the extreme secrecy of the North Korean state, we do not know just how serious the privation facing ordinary North Koreans actually is. Even the international humanitarian organizations that have supplied Pyongyang with hundreds upon hundreds of millions of dollars worth of supplies over the past decade have not been given honest information about the distress that they are paying to relieve. But we know that ordinary North Korean children and young people these days are stunted and wast-

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ed—so small and slight on average that, by comparison to their South Korean brethren, they look as if they were drawn from a different race. (That is why the North Korean military has steadily relaxed its height and weight prerequisites to the point where the height requirement could reportedly be met by a typical 8-year-old South Korean schoolboy.)

News reports suggest that North Korea's food situation is taking a turn for the worse—reports seemingly confirmed by announcements that rations are again being cut. Under such circumstances, the argument for humanitarian rescue would appear self-evidently arresting.

Welcoming these escapees from North Korea will also create direct and acute pressure upon Pyongyang to attend to the needs and aspirations of its subjects. Sending the signal throughout the North that escapees have a real alternative to the hell of Kim Jong Il's "workers' paradise" and the purgatory of a no-man's land just across the Chinese border will compel the Kim Jong Il regime to reexamine the destructive policies and practices that are driving North Koreans to flee.

Addressing the reality of a beckoning safe haven for escapees would require the North Korean regime to adopt a more pragmatic and humane food policy, to tolerate a wider scope for self-betterment through individual initiatives, and to build sturdier links to the world economy. In short, the possibility of a real alternative to life in the North will push that regime, much against its wishes, to open the door a bit to a less illiberal order—not to a liberal order, to be sure, but perhaps to a system with less malevolence than any they have yet known.

We do not know and cannot know the status of the discourse within the inner circles of Kim Jong Il's hierarchy about the question of "reform." And it is probably fruitless to speculate about just who among that country's top mass-murderers may secretly be a "closet reformer," or what "reform" would actually mean to them: For North Korea today, after all, ordinary Stalinism might count as a liberal advance.

We do know, however, that the North Korean state *can* be moved in the direction of more pragmatic policies and practices: The small economic steps of recent years—changes termed "the July 2002 North Korean reforms" in some circles—show that the system can bend in the direction of rationality. Perhaps all that is needed for the North Korean system to bend still further in that direction is a heavier weight of exigency.

There is no question, incidentally, that North Korea's leadership regards the exodus of escapees as a weight that may force them to bend. If they did not, why was it that after the July 2004 repatriation to Seoul of 468 North Koreans, the media in the North published a long and hysterical fulmination denouncing the "enticement" of its citizens to the South, and declaring that such migration was a "plot to topple our system"? Rescuing North Korean escapees will not only unequivocally improve the quality of life for the escapees themselves—it will help to improve the quality of life for those who cannot yet escape the North.

Welcoming and embracing North Korean escapees will constitute a concrete and tangible step in the reconciliation between North and South. These escapees, indeed, will constitute a living bond across the divided peninsula—and because they will be well treated in the South, it will be a bond of healing. Indeed, rescuing and embracing the escapees will send a multiplicity of signals to the North, all of them propitious: that Northerners are truly regarded in the South as long-lost brothers; that South Korea is not the "Hell on Earth" they have been taught to fear this past half century and more; that a humanistic liberal democracy awaits on the other side of the DMZ. And word will assuredly get back to the North. As the people of North Korea learn the fate of escapees to the South, this will generate further pressure for more humane rule in the North.

Finally, accepting North Korean escapees into the South will provide invaluable experience and guidance as South Koreans consider all the practical preparations that will be needed for the eventual reconciliation of the entire populations of the North and South. We know already about the challenges and difficulties North Korean immigrants face in the South as they struggle to assimilate from the frozen monochrome of their former existence into the splendid, dizzying Technicolor of modern life. Now is the time to learn more about the steps and measures in education, training, support, and acceptance that will be needed to help these ordinary people stream into the vibrant flow of South Korean life. Now is the time to learn how small businesses, NGOs, religious groups, and all the other wonderful panoply of civic associations in a "civil society" can best aid these former outcasts in their transformation into citizens of a free and democratic Korea.

Needless to say, learning how to make this integration work brings us one step closer to the day when the entire Korean people will be able to live as one—reconciled, united, secure, prosperous, and free.

If the arguments for a rescue campaign to bring North Korean escapees to South Korea are so compelling, why have they not been translated into political action? Why are the escapees not already being rescued en masse? The answer is quite clear. The self-styled "human rights" champions who came to power in

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AFP

Chinese military police seize North Koreans attempting to enter the Japanese consulate in Shenyang, May 8, 2002.

the ROK in 1998, and who have subsequently governed uninterrupted through two successive presidencies, have to the very best of their abilities ignored the tears, the prayers, and the heart-rending distress of endangered compatriots with lives flickering as precariously as candle-flames just across the Yalu and the Tumen.

Perverse and improbable as it may seem, these one-time dissidents—activists who sought office by promising the South Korean public to speak up for the vulnerable, to stand up for the disempowered, and to embody solidarity with the victimized—have done almost everything within their power to avert their gaze from a human rights disaster second to none in the contemporary world: a disaster befalling their own Korean *minjok*.

This part of the saga of North Korea's escapees is painful to recount. But it must be recognized, if only out of respect for the suffering of victims alive and dead, and in our capacity as witnesses for future generations.

Christians distinguish between "sins of omission" and "sins of commission"—a useful taxonomy for believers and nonbelievers alike in examining the South Korean government's response to the plight of the North Korean escapees. That the escapees still huddle in hiding nearly 10 years into this crisis speaks clearly enough to the "sins of omission." Let us focus then on what might be described as Seoul's "sins of commission."

We can note the milestones without rehearsing every detail. We may, for example, go back to the year 2002, when handfuls of North Korean escapees were breaching the boundaries of Western embassies in Beijing, seeking asylum. Chinese security operatives stormed some of those diplomatic compounds, in a number of cases beating the asylum-seekers and physically dragging them away. After Beijing came under a storm of international criticism for its shocking, violent, probably illegal abuse of these asylum-seekers, the Chinese foreign ministry spokesperson retorted that the South Korean government had been secretly asking China's help in keeping North Korean escapees out of the ROK diplomatic compound. The government in Seoul never refuted this assertion. That episode occurred on the watch of a Nobel Peace laureate and human rights role model, President Kim Dae Jung.

With the transition from the Kim Dae Jung presidency to the Roh Moo Hyun administration, it is true that more North Korean refugees were repatriated than ever before: over 3,000 since President Roh's inauguration, more than half of the total since the 1953 Korean War cease-fire. But such numbers still constitute a mere

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trickle—and it is a flow that has hardly been encouraged by official policy.

Quite the contrary: In December 2004, the Republic of Korea's unification ministry announced that it was slashing the government's per capita resettlement stipend for North Korean newcomers by almost two-thirds (from approximately $28,000 to approximately $10,000)—and that it would be stepping up its screening and interrogations of would-be resettlers.

One rationale indicated for the increased scrutiny of escapees was the possibility that spies were posing as defectors. If so, that would mark an unusual—one is tempted to say *unique*—expression of concern about the risks of domestic subversion by the current administration, since the Roh government has otherwise reined in longstanding police and intelligence counterespionage activities, and cut back the government's prosecution of suspected spies and agents to less than a handful of cases a year.

As the Roh government was changing its rules to let escapees know they could expect a chillier welcome in the South, it was also embracing what might be called a "see no evil" policy regarding the escapees, diligently neglecting reports that might morally obligate increased concern for their well-being, and responding with ruthlessly optimistic spin to ominous accounts of the fate of North Korean border-crossers.

For a full month last year, for example, the ROK foreign ministry officially denied that China was rounding up hundreds of escapees and sending them back to North Korea—only to be forced eventually to admit that those stories were true. Subsequent news accounts by the ROK's own semi-official *Yonhap* newswire have reported the execution of dozens of North Korean returnees "to discourage North Koreans from seeking political asylum in South Korea." Then there was the stunning video smuggled out of North Korea that documents horrifying daytime public executions; if you live in South Korea, you will not have seen it on TV. The video has been broadcast all over the rest of the free world, but the Roh administration has made sure that South Korean television will not carry it.

Could Seoul's posture toward the plight of the North Korean escapees possibly get any more callous? As we learned earlier this year, apparently so. In January, the minister of unification repeated what had earlier been described in the local press as "virtually an official statement of regret to the North" about the aforementioned repatriation of 468 North Korean refugees from a third country in July 2004. This time he went further, declaring, "We disapprove of the mass defections," and promising that "there will not be another large-scale movement of North Korean refugees" into the South. "North Korea takes the refugee issue as a threat to its regime," he said, and "undermining the North is not our policy." The minister was not misspeaking: To the contrary, he was providing an absolutely faithful description of his government's broader approach to North Korea.

It is an approach that has prompted the ROK ministry of national defense to deny that North Korea is the "main enemy" for South Korea's armed forces, striking all such references from this year's ministry "White Paper." It is an approach that recently led the South Korean government to abstain—for the third year in a row—from voting on the United Nations Human Rights Commission resolution condemning human rights abuses in North Korea. "There is no need to provoke the North by voting on the resolution," unnamed South Korean officials explained.

Nor, apparently, to provoke the North with any expressed disapproval of the condition of Pyongyang's subjects. The *Wall Street Journal* has quoted a previous Roh administration unification minister as dismissing talk of political rights in North Korea with the memorable phrase "political freedom is a luxury, like pearls for a pig."

There is an awful coherence to this approach to relations with the North. Plainly put: It is an approach that regards the jailers who run North Korea as "partners for peace," while it treats the captives and escapees from this huge open-air prison as troublesome claimants who only get in the way of Seoul's grand designs for peninsular peace. It should go without saying that the obstacle to peace, reconciliation, and unification is not the North Korean population—it is the wicked regime that enslaves them.

While enslaving them, that same regime strives to destroy the South. The ministry of defense may pretend otherwise, but South Koreans are the true intended targets of the North's chemical weapons, biological weapons, its short-range missiles, and now perhaps, its atomic weapons. There is no contradiction whatever between the North's treatment of its subjects and its program of perfecting WMD threats against the South: Both are animated and guided by a single worldview and strategy.

At this point let me dispel any intimations of partisanship in the above indictment. It is true that South Korea's current opposition party has raised a few voices in honorable exception to the current "see no evil" policy for North Korean escapees. But it is a fact that the opposition party controlled the National Assembly for a number of years during both the Kim Dae Jung and the Roh Moo Hyun administrations. Over that tenure I am

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unaware of any legislation passed, or even hearings convened, to assuage the distress of North Korea's escapees.

There are, to be sure, many practical problems and objections to be considered in any effort of humanitarian rescue for the North Korean escapees. Let me mention two of them. The first concerns China, the escapees' most unwelcoming host. Despite its international treaty obligations—Beijing is signatory to the U.N. Convention and Protocol on Refugees, the U.N. Convention Against Torture, and the Vienna Conventions on Diplomatic and Consular Relations—the Chinese government routinely hunts downs, rounds up, and deports North Korean escapees to a certainty of savage punishment back in the North. As we have already noted, some of these hunts have taken Chinese agents into the embassies and consulates of foreign governments against the express wishes of foreign diplomatic representatives.

China asserts that it is not bound in this instance by the Refugee Convention and Protocol because the North Korean escapees are "economic migrants" rather than "refugees." Legal analyst Benjamin Neaderland also raises the possibility that China may face conflicting international legal obligations with respect to the escapees: If China, as may be the case, has a secret bilateral pact with Kim Jong Il—a sort of Fugitive Slave Act requiring the repatriation of illegal emigrants—a "Chinese argument that they are bound to return North Koreans found to be traveling illegally [would] not [be] without merit in international law."

Still and all, China's current intransigence is not necessarily an insuperable obstacle. The wordplay China uses to evade its Refugee Convention responsibilities is of course grotesque, and transparent. China is, however, a dictatorship—a government that takes liberties with the law through sheer force of habit. And China is emboldened to take liberties with these particular laws precisely because the Republic of Korea—a constitutional democracy under rule of law—is today so very conspicuously avoiding its own legal responsibilities toward those same escapees. China's leeway for legal obfuscation would be tremendously reduced if South Korea made it clear that Seoul intended to resettle any and all escapees who wished to head South—and was willing to make an international issue of this.

The possible contradiction between presumed bilateral obligations to Pyongyang and international treaty obligations, moreover, seemingly evaporates if Seoul remembers its constitutional obligation to make citizens of ordinary North Korean escapees desirous of that status. Here again Neaderland:

> If the South Korean government were to assert that the North Koreans in China possess South Korean nationality, it could plausibly claim that China is treaty-bound by the Vienna Convention to allow access to any North Korean seeking to enter a South Korean consulate in China. While there may be policy reasons . . . that stand in the way of South Korea asserting such a claim, it is a claim potentially supported by international law and one that China would have to take seriously if offered by South Korea.

If Seoul adopts an activist stance and insists upon observance of the law—starting with its own laws—many of the problems encountered with China today may solve themselves.

The second issue concerns the United States. With the passage of the North Korean Human Rights Act of 2004, Washington is now committed to taking in an as-yet-undetermined number of North Korean asylum-seekers. Shouldn't a big country like the United States—a country peopled through immigration—shoulder a major share of the burden of resettling North Korean escapees? One could certainly hope that the active Korean-American community and Korean-American religious organizations would take the lead in helping them adjust to their newfound freedom.

That being said, we must also recognize that there is an international division of labor in the struggle for freedom. In this division of labor, the United States' indispensable contribution in its bilateral relationship with South Korea has been—and remains—the guarantee, underwritten by the lives of U.S. soldiers and the treasure of U.S. taxpayers, that South Korea could be the home for freedom in the Korean peninsula. South Korea's indispensable contribution in this arrangement is to act on that guarantee.

There is constant talk of "burden sharing" in the Washington-Seoul relationship, but discussions of "burden sharing" in this humanitarian rescue challenge must not become an excuse for delay or avoidance of Seoul's own special duties in this particular emergency.

Korea is a nation with a long and venerable history—the myth of Tangun takes us back almost 5,000 years. Nevertheless, Korea's greatest and most glorious days still lie ahead: The reunification of the Korean people under free and democratic governance, which will be an epochal event not just in Korean history, but in world history.

Against great odds, South Korea has become the home of freedom in the peninsula. Now the task is to extend that freedom to the North, if need be, one escapee at a time. The duty for the South could not be clearer: Bring them home. ♦

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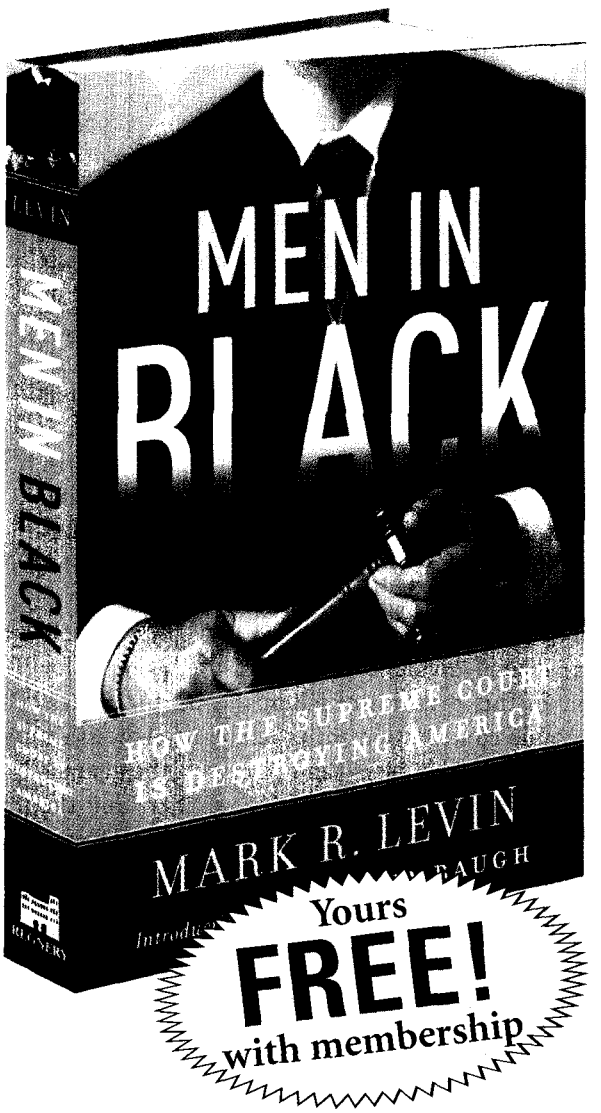

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Father of the A-bomb

What have we learned about J. Robert Oppenheimer?

By Harvey Klehr

Albert Einstein
J. Robert Oppenheimer in Princeton

CORBIS

All the new evidence from long-closed Russian archives, and declassified American projects like Venona, has settled many of the most vexing espionage cases of the Cold War. The Rosenbergs were guilty of spying; so, too, were Alger Hiss, Harry Dexter White, and the dozens of government employees whom Elizabeth Bentley accused of being Soviet agents. The only major controversy that remains concerns Robert Oppenheimer, the brilliant scientist who oversaw the construction of the atomic bomb at Los Alamos during World War II.

Oppenheimer's left-wing past from the 1930s brought him to grief in 1953, when the Atomic Energy Commission withdrew his security clearance. His appeal of that decision led to a dramatic secret hearing that concluded he was a security risk. The decision angered many scientists, who saw his disgrace as a warning not to challenge the political or military uses to which scientific research was put. Conservatives believed he had assisted Soviet intelligence to steal atomic bomb secrets; liberals viewed him as one of the most prominent victims of McCarthyism. As the McCarthy era receded, Oppenheimer's reputation rebounded. As the longtime head of the Institute for Advanced Study in Princeton, he was honored by President Johnson in 1963, just four years before his death from cancer, and lionized by historians and journalists. In the past decade, new evidence about Soviet efforts to infiltrate Los Alamos, and about Oppenheimer's own politics, has emerged; but there has been no smoking gun implicating him in espionage. Despite some efforts to link him to one of the unidentified cover names in the Venona transcripts, there is no consensus about what role, if any, he played in atomic espionage. Jerrold and Leona Schechter, using a variety of unattributed Russian sources, claimed that Oppenheimer was a valuable Soviet source. Gregg Herken concluded that he was never a spy, despite being a secret member of the Communist party. John Haynes and I argued that the strongest evidence he was not a Soviet spy was that, if he had been, the Russians would have gotten even more information about the atomic bomb than they did.

Harvey Klehr is coauthor of In Denial: Historians, Communism & Espionage.

American Prometheus
The Triumph and Tragedy of J. Robert Oppenheimer
by Kai Bird and Martin J. Sherwin
Knopf. 736 pp., $35

Kai Bird and Martin Sherwin's *American Prometheus* is the most detailed biography of Oppenheimer ever produced. In the making for a quarter-century, it is based on numerous interviews, prodigious digging in archives and sources, and an earnest faith that concerns about security and subversion in the atomic bomb project were misplaced paranoia. Well-written, enjoyable to read, and filled with insights about 20th-century physics, the development of the atomic bomb, and postwar American foreign policy, it too quickly attributes base motives to people genuinely concerned with the Soviet threat, and fails to treat Oppenheimer's travails as largely of his own making.

Robert Oppenheimer came from a financially successful German-Jewish family that had embraced the liberal pieties of the Ethical Culture movement. Always intellectually precocious, he was emotionally immature, often driving friends away with his unnerving intensity. After a series of academic successes at Harvard College, he went to England's Cambridge University in 1925 to study physics, but suffered a

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J. Robert Oppenheimer, Gen. Leslie Groves at Los Alamos

Bettmann / CORBIS

breakdown. Its most serious manifestation was poisoning his tutor's apple, an act that almost got him charged with attempted murder. Oppenheimer recovered, transferred to the University of Göttingen in Germany, and quickly became a star in the new and burgeoning field of quantum mechanics. Just two years after getting his bachelor's degree, he had a Ph.D. and a reputation as one of the leading young theoretical physicists in the world. He accepted appointments to split his teaching between the University of California at Berkeley and the California Institute of Technology, quickly becoming a guru to graduate students and, with Ernest Lawrence, establishing Berkeley as a major center for the new physics.

Always interested in intellectual issues outside of physics—in the early 1930s he taught himself Sanskrit in order to read the *Bhagavad-Gita* in the original—Oppenheimer began to get involved in political issues by the middle 1930s. He was drawn into the Communist orbit primarily because of Hitler's rise to power, and was quickly immersed in the Popular Front culture of Berkeley. His longtime landlady was a Communist, as was Jean Tatlock, a professor's daughter and aspiring doctor with whom he had a long affair, and so was his closest friend on the faculty, Haakon Chevalier, a professor of French. His brother Frank, also a physicist, was a Communist, as was Frank's wife. Oppenheimer himself became an active member of the CP-dominated teachers' union, a signer of innumerable Communist petitions, and a generous contributor to Communist causes, funneled through Isaac "Pop" Folkoff, a party functionary with ties to Soviet intelligence.

Whether or not Oppenheimer ever joined the Communist party is a contentious issue. Recent scholarship has uncovered pamphlets apparently written by Oppenheimer and attributed to the College Faculties Committee of the Communist Party of California; an unpublished memoir by an ex-party member detailing Oppenheimer's membership in a secret party unit; FBI wiretaps of Communist party functionaries mentioning Oppenheimer as a party member; and a Soviet intelligence memo referring to him as a secret Communist. Bird and Sherwin are not convinced. They cite ambiguities about these secret units, and Oppenheimer's own forthright denials of membership, and speculate that since he considered himself "an unaffiliated comrade" he may have misled others into thinking he was a party member.

His Communist associations were not the only source of concern about Oppenheimer while he was being considered to head the Manhattan Project. In 1939 he met and soon married Katherine (Kitty) Harrison, a thrice-married woman, whose second husband, Joe Dallet, had been a Communist officer killed while serving in the Abraham Lincoln Battalion in Spain. Not only had Kitty been a party member, but one of her late husband's closest friends, Steve Nelson, headed the Communist party in Oakland. He and Oppenheimer became friendly. Nelson was not your average Communist bureaucrat: He worked closely with Soviet intelligence, and was actively involved in attempting to gather information on the top-secret work being done at the Radiation Laboratory at Berkeley.

An FBI wiretap picked up his conversation with one of Oppenheimer's graduate students, Joe Weinberg, in 1943, during which Nelson successfully pressed Weinberg to provide details about the atomic bomb project that might be useful to the Russians, while lamenting that Oppenheimer was not being as cooperative as he used to be. Later wiretaps revealed that Nelson was in touch with Soviet intelligence officers, even meeting personally with the KGB's chief resident in the United States, Vasily Zarubin.

Despite these disturbing facts, General Leslie Groves, commander of the Manhattan Engineering District, concluded that Oppenheimer alone had the requisite skills and vision to oversee the development of an atomic weapon. When Army security officials balked at providing a security clearance, Groves ordered them to do so on the grounds that Oppenheimer was indispensable. He had concluded that his "overweening ambition" and his wife's desire to advance his career would trump his political past. More practically, Groves threw a cordon of security around Oppenheimer, monitoring his movements and communications so closely that unauthorized communications would have been very difficult.

Despite these precautions, government security personnel were disconcerted in June 1943, when, on a trip back to Berkeley, Oppenheimer spent the night with Jean Tatlock (who committed suicide in January 1944). They were even more startled when Oppenheimer informed them in the late summer of 1943 that, just before leaving for Los Alamos six months earlier, he had been approached by an unnamed friend and asked to turn atomic information over to a man named George Eltenton. After two frustrating months of investigation, and only after eliciting a promise from General Groves that the information would remain confidential, did Oppenheimer reveal that the conduit was Haakon Chevalier. His reluctance, and the conflicting stories he told, led Groves to suspect he was protecting someone else, possibly his brother Frank.

The Chevalier incident became one of the most damaging pieces of evidence when Oppenheimer lost his security clearance. To Bird and Sherwin, it

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is a tempest in a teapot. Indeed, they brush off all the evidence that the Soviet Union had mounted an intensive, multifaceted effort to penetrate the Manhattan Project. Not only do they pooh-pooh the idea that Joe Weinberg was a spy, they dismiss Eltenton—who admitted to the FBI that, after a talk with a Soviet official, he asked Chevalier to approach Oppenheimer—as "more likely a misguided idealist than a serious Soviet agent." And they accept Nelson's word on the nature of his contacts with Oppenheimer and other scientists, even though he consistently lied about not being involved in espionage. (Incredibly, they note that "the evidence of spying" against Weinberg, which was inadmissible in court because it was based on an illegal wiretap, was ambiguous.)

In short, they fail to understand that there was a genuine threat of Soviet espionage, and that Oppenheimer's own choices and behavior could have led serious people to conclude that he was a security risk.

Bird and Sherwin are properly indignant about the shabby treatment the Atomic Energy Commission afforded Oppenheimer when its chairman, Lewis Strauss, set out to humiliate and destroy his longtime adversary. Oppenheimer had resisted American development of a hydrogen, or super, bomb, supported international controls on atomic energy, and favored greater openness and cooperation with the Soviet Union to prevent further development of atomic weapons. Whatever the merits of the particular policies he favored, there was no evidence they were motivated by any lingering sympathy for communism; Oppenheimer had become a liberal anti-Communist. He had, however, been deeply affected by the destruction wrought by the Hiroshima and Nagasaki bombs. At one disastrous meeting with President Truman in October 1945, Oppenheimer blurted out "I feel I have blood on my hands," prompting the president to tell Dean Acheson that he didn't "ever want to see that son-of-a-bitch in this office ever again."

By 1953, Oppenheimer's role on the AEC was much diminished, but Strauss, who had suffered a variety of insults and public humiliations from the arrogant Oppenheimer in the past, was determined to extract his revenge. He encouraged the filing of a complaint challenging Oppenheimer's loyalty, wiretapped his conversations with his lawyers, stacked the hearing, refused Oppenheimer's lawyers a security clearance enabling them to read FBI files to which the "prosecutors" had access, and was rewarded when the hearing board found Oppenheimer was not disloyal but was a security risk. His clearance was rescinded a day before it would have expired.

Turning policy disputes into tests of loyalty is fraught with danger. Unfortunately for Oppenheimer, his associations during the 1930s, and postwar revelations about the extent of Soviet espionage, made the suspicions about him more than paranoia. When his own admitted lies about the Chevalier affair were added to convincing evidence that he had been a member of the Communist party, he was doomed. That some of those who brought him down were unattractive men with sordid motives does not erase the fact that a hugely talented man who had made major contributions to American security was destroyed because of a series of disastrous political choices he had once made, and then tried to obscure. ♦

CEOs Behaving Badly

Another cycle of reform is the cost of doing business.

BY JAY WEISER

With Bernie Ebbers about to appeal his criminal conviction, and Enron's Kenneth Lay awaiting trial, an indictment has become as much of a CEO perk as a company jet.

Icarus in the Boardroom
The Fundamental Flaws of Corporate America and Where They Came From
by David Skeel
Oxford University Press, 250 pp., $25

In his important new book, University of Pennsylvania law professor David Skeel shows that huge corporate failures go far back in American history. Busts follow booms, and waves of populist legislation follow busts, attempting to legislate corporate scandals out of existence. In the wake of our most recent scandals, Skeel proposes a long list of additional regulations, but they aren't likely to prevent the hangover that always follows the party.

He offers a rogues' gallery of Icarus-like CEOs who flew too close to the sun and melted their wings, starting with financier Jay Cooke, who pioneered the sale of small-denomination bonds to the public during the Civil War, but ignored industry overcapacity in backing the Northern Pacific Railroad. Cooke's huge bank failed spectacularly, precipitating the Panic of 1873. Midwestern utility innovator Samuel Insull's impenetrable, overleveraged web of holding companies crashed in the Great Depression. While Franklin Roosevelt denounced the "Ishmael or Insull whose hand is against every man's"—a quote Skeel likes so much that he uses it twice in a few pages—Insull was acquitted of fraud.

More recently, Drexel Burnham Lambert's Michael Milken revolutionized finance with the junk bond, a high-risk product that enabled corporate raiders to sweep out sclerotic old-line corporate managers. But in a replay of Jay Cooke, when good deals began to dry up in the late 1980s, Drexel went up in smoke. And in the last decade, Lay turned a sleepy natur-

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Bernie Ebbers in custody

Getty Images / Stuart Ramson

al gas pipeline company into a glamorous energy trader named Enron, while Ebbers assembled WorldCom in a rapidly changing, highly competitive telecommunications industry. Both companies imploded through fraud.

Huge failures like these, Skeel argues, are caused by combinations of competition (which reduces returns after an innovator's initial growth spurt), complexity (financial shell games hide the company's true condition as it deteriorates), and risk-taking. But it's not clear whether his five examples are representative of the hundreds of major corporate collapses over the last 150 years. Even if they are, Skeel is not quite sure what he wants to tell us about them. The book alternates between an analysis of the failures, and a more general history of corporations and their regulation, with long digressions on marginally related topics like the history of antitrust, corporate, and campaign finance law.

The real common thread among its poster-boy executives is entrepreneurship. They created or revolutionized markets, grew rich from substantial economic stakes in their enterprises, but stayed at the party too long. Over the long term, the entrepreneurial homeruns outweigh the disasters, and the economy grows. Skeel makes a major contribution in analyzing the politics of the bust part of the cycle when, spurred by public outrage, populists generate enough support to overcome CEO opposition and enact reforms. He observes that backward-looking reforms have often hampered innovation since the days of Jay Cooke. Yet he also seems to hope that, with enough regulation, massive failures can be averted. As the author of *Debt's Dominion*, the definitive book-length treatment of 200 years of U.S. bankruptcy law, Skeel should be jaded enough to know better.

Virtuous failures (entrepreneurial efforts that don't pay off) and concealment failures (efforts to pull the wool over the public's eyes) pose very different problems. But risk-taking and competition are common to both. Of Skeel's five examples, Cooke, Insull, and Drexel Burnham were virtuous failures (notwithstanding Milken's jail time for securities law violations), while Enron and WorldCom collapsed in fraud.

In virtuous failures, investors, lenders, customers, and suppliers rue their losses and vow to monitor things more closely next time. Government regulation—whether banning companies' ability to hold pariah asset classes in the name of reducing risk, or (as under the New Deal's National Recovery Act) cartelizing the entire economy to stop competition—often succeeds only in constricting the economy.

Complexity, unlike risk-taking and competition, does have different effects in concealment failures. It can add value as corporate scale grows, but also encourages managers to gussy up the corporation's true financial status. General Electric's Jack Welch got a $125 million annual pay package for doing both during the salad days of the 1990s. (The polite term, in those pre-scandal days, was "earnings management.") The more opaque the corporation, the greater its ability to conceal its risk-taking, and the less the market can monitor it. Reforms requiring transparency, which shine the light on complexity and risk-taking, and encourage the market to price for them, have combated this.

The disclosure requirements of the Securities Act of 1933 laid the foundations for the long postwar stock market boom. The Sarbanes-Oxley Act has forced accounting integrity and corporate controls on CEOs, but may not be worth the cost. Some European companies are avoiding U.S. listings because of it.

Skeel advocates even more aggressive disclosure requirements for stock options, special purpose entities, and derivatives, and this is a good idea. But no matter how much disclosure there is, many investors won't care, rushing into the hot asset class without adequately discounting for complexity and risk. Even though the prosecutions of late-1990s book-cookers are still underway, investors have poured nearly $1 trillion into the ultimate black box, hedge funds, which are leveraged and make virtually no disclosures. The *New York Times* reports

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that the number of hedge funds jumped 209 percent from 1999 to 2004, making them a good candidate for the next wave of scandals.

The best way to cut through the complexity and monitor true risk is by giving professionals incentives to police it, but, as Skeel notes, they often have mixed loyalties. The New Deal reforms required auditor certification of corporate books, but by the '90s auditors had become corrupted by consulting work from their clients. As far back as the go-go 1960s, securities analysts' primary loyalty has been to their broker-employers, who need good news to get underwriting business and sell stock.

As Skeel notes, other laws actually undermined private incentives to control corporate excess: When the New Deal's Glass-Steagall Act separated commercial banking and investment banking, it broke up players who, with their need to maintain credibility with the investing public, had historically acted as a brake on corporate euphoria.

Yet there are signs that private monitoring is improving. The recent wave of celebrity CEO firings at companies like Disney and Hewlett Packard suggests that directors are becoming more aggressive in addressing management problems. And the great expansion of mutual funds and pension funds over the last quarter-century has reconcentrated ownership in institutional shareholders with deep analytical benches. While Skeel thinks that institutional investors have too many incentives not to rock the boat, their fiduciary duty to their investors creates a powerful incentive to intervene.

And existing law has shown resilience in creating incentives for honesty. Federalism (in the form of activist attorneys general such as New York's Eliot Spitzer) generates regulatory competition that makes it harder for crooked CEOs to neutralize their potential opponents. The evolving liability for high-tech financial products that help corporations conceal their risks—seen in multibillion-dollar WorldCom settlements by Citigroup and J.P. Morgan Chase, and in the fall of AIG's Maurice Greenberg—may make corporations more cautious about treading too close to the line. These flexible rules are more effective than command-and-control regulations that lawyers, bankers, and accountants can maneuver around in what Skeel calls a "cat and mouse" game.

Book-cooking would also be reduced by a resurgence of ethical values in business, even though Skeel mocks George W. Bush's post-WorldCom speech urging just that. But ethical standards are difficult to maintain in unstable, competitive markets: Consider Martha Stewart landing a reality show as soon as she left prison. America's celebrity culture rewards flashy posturing more than the long-term work of building a business, with its false starts and reverses. As Skeel observes, this turns executives into stars worthy of fawning media profiles. *CFO Magazine* gave awards like "CFO of the Year" to WorldCom's Scott Sullivan, Enron's Andrew Fastow, and Tyco's Mark Swartz. The first two pleaded guilty to felonies, while the third is awaiting retrial. Executives in the spotlight fear falling back in the pack, and juice the numbers to stay on top and get huge pay packages. A recent study by Kees Cools of the Boston Consulting Group quantifies this: Companies with large frauds had profit growth targets of 15-20 percent per year, and compensation packages to match, while nonfraud companies had mere 6 percent targets.

Things weren't perfect in the good old days, either. The golden age of corporate ethics was the clubby, oligopolistic world of 1900-1965, where executives and professionals from a common ethnic background (no Jews or minorities need apply) interacted repeatedly, so reputation mattered. Perhaps wall-to-wall media coverage can compensate for today's lower social cohesion: Stung by loss of reputation because of their misdeeds, many corporations are rediscovering ethics, with Citibank requiring mandatory online ethics training for all 300,000 employees.

Whatever the private incentives, the consequences of Icarus-effect business failures have diminished in economic significance, even though Skeel claims that "the risks have radically increased" at the company level. Jay Cooke's failure helped provoke a worldwide depression, but the later crashes of Milken, Enron, and WorldCom only contributed to mild recessions. The amount lost to fraud in the current cycle pales before the amount lost the old-fashioned way, through greed, in the dot-com failures. Of course, individual investors can get wiped out in business failures: They routinely underestimate the risks of an inadequately diversified portfolio, and severely underestimate the risk of having their pension invested in the same company that's providing their paycheck. Skeel correctly suggests limits on the amount of company stock that employees are allowed to own in their pension plans.

He goes beyond this, however, by proposing that government insure investors against stock declines or fraud, which would be catastrophic. When government covers losses, it almost always underprices risk, since interest groups advocating the "reform" want to expand their activities while pushing the tab onto taxpayers. This has led to flood insurance-induced overdevelopment in hurricane alleys, $350 billion in underfunding covered by the Pension Benefit Guaranty Corporation, and the monstrous growth of Fannie Mae and Freddie Mac. By encouraging investors to take even more risks with their money, Skeel's insurance would trigger an inevitable bailout that would make the S&L cleanup look as cheap as a Big Mac.

Icarus-effect failures are the price of an entrepreneurial economy, but the innovations live on. Insull's dream of low-cost universal electricity is today's reality; junk bonds remain a major financial tool; telecommunications consolidation has accelerated since Ebbers; and former Enron energy traders are now finding a place at investment banks, creating the markets that Ken Lay predicted. While auditors, directors, and investors have to watch CEOs like hawks during a boom, the rest of us have to resist populist overreactions during the bust that always follows. ♦

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The Annotated O.C.

Shooting Trey won't make it easier to understand.

BY CHARLOTTE ALLEN

The "O.C." of *The O.C.* doesn't stand for "Orange County," the supposed setting of this Newport Beach-based prime-time soap that's a cross between *Melrose Place* and *Beverly Hills 90210*, although many of the fan websites that have sprung up to track the doings of its many characters seem to think so.

The fans' ignorance of the meaning of the very acronym that is the title of *The O.C.* (the initials refer to the "Orange Coast," the string of plush, mountain-backed beach towns along the Pacific Ocean) is symptomatic. Scarcely a single person connected with the making of *The O.C.*—whose exterior shots aren't even taped on the O.C. but in Hermosa Beach, well to the north in Los Angeles County—knows much of anything about Orange County. *The O.C.* is a Hollywood fantasy about what life in the O.C. surely must be like—if anyone from Hollywood ever bothered to go there and find out.

Despite the fact that I grew up in Southern California, and my parents kept a 14-foot sailboat among the millionaires' yachts at the docks of Newport Beach, I was a year-and-a-half late getting into the show. This meant that I completely missed such onetime regular, now written-out, characters as white-collar crook Jimmy Cooper (Tate Donovan), whose still-on-the-show ex-wife Julie (Melinda Clarke) was married to property-development tycoon Caleb Nichol (Alan Dale), until he had a heart attack several episodes ago, and also Dawn Atwood (Daphne Ashbrook), the alco-floozie mom of Ryan Atwood (Benjamin McKenzie), the show's token juvenile delinquent from the wrong side of the tracks.

Indeed, I started watching the show only this past January, well after Julie's daughter Marissa (Mischa Barton) had moved in with a lesbian named Alex (Olivia Wilde), even though Marissa was once heterosexual and had a boyfriend named Luke (Chris Carmack), who had been written out of the show like Jimmy and Dawn. Then I missed a couple of episodes in March, and lo—Marissa had became heterosexual again, or a least heterosexual enough to be locking lips with Ryan, Alex having gone the way of Luke.

You're confused? Every Thursday night, when *The O.C.* appears on Fox, I have to grab a notebook and make both a genealogical chart and a flow chart in order to keep the characters straight.

I started watching *The O.C.* for two reasons: I found its neo-seventies music disturbingly reminiscent of the determinedly laid-back real seventies music that flooded my part of the country during that decade. The show's opening song, "California" by Phantom Planet, is a near-clone of the Eagles' "Hotel California," and when I hear it, or the rest of the show's ever-changing roster of vaguely edgy but fundamentally easy-listening tunes by Oasis, Jet, Spoon, and other groups, I'm transported back to that ghastly sub-sixties era when white guys grew their hair into enormous fluffy Afros that made them look like walking Hostess Sno Balls, and several of my respectably married friends from Pasadena and Westwood got into marijuana and creative divorce and ran off with firemen and tree trimmers.

Second, I became mesmerized by the maze of interlocking consanguineal, collateral, and intergenerational relationships among *The O.C.*'s numerous characters. For example, Lindsay Gardner (Shannon Lucio), Ryan's pre-Marissa girlfriend, turns out to be Caleb's daughter by a former union—or so we think for now. Caleb is also the father, by yet another former union, of Kirsten (Kelley Rowan), wife of Ryan's juvie-court lawyer, Sandy Cohen (Peter Gallagher). The Cohens have invited Ryan to live in their pool house (paid for with Caleb's dough) as part of his rehab, and there he becomes best buddies with their dorky, irony-spouting son, Seth (Adam Brody). Seth, unimaginable as it may sound, was an item with Alex before she got into her lesbian phase and took up with Marissa.

It's the House of Atreus, or it would be, if you could take the characters seriously enough to think of them as tragic.

Marissa and Ryan

Warner Brothers TV / The Kobal collection

Charlotte Allen is author, most recently, of The Human Christ.

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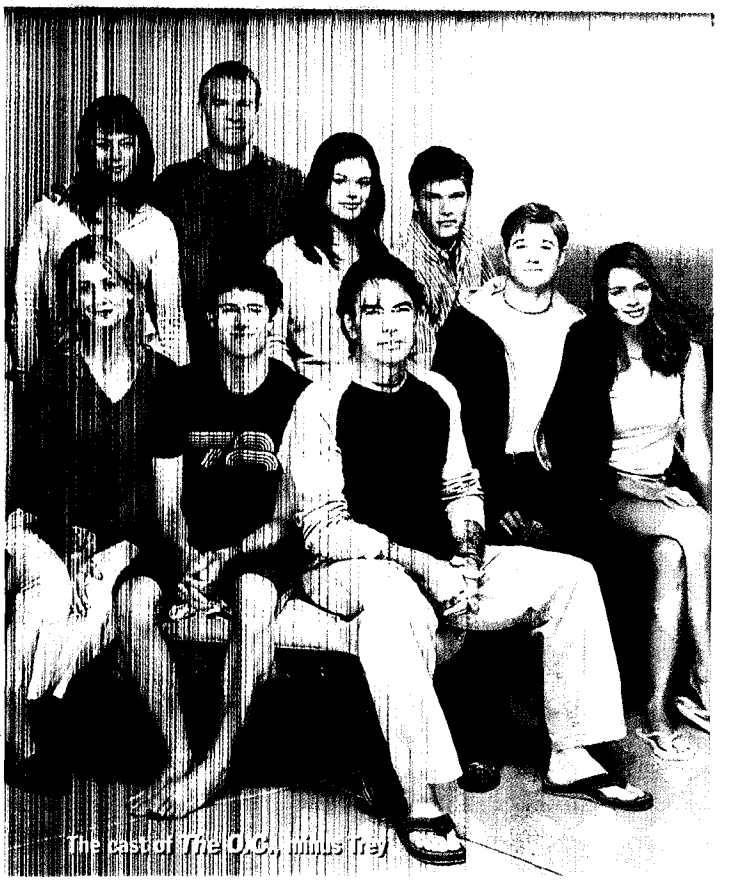
It's actually more like Mount Olympus, where the gods, filthy rich and immortal, disport themselves and beget offspring endlessly with each other and with assorted nymphs, satyrs, and beautiful human creatures that cross their paths. That is, if the gods of Mount Olympus lived in stucco-and-chicken-wire mega-mansions topped with pseudo-Spanish fake tile roofs, as does everyone in *The O.C.*—and everyone on the real O.C. (The omnipresent fake tile is the one architectural feature of Orange County that the makers of *The O.C.* actually got spot-on.)

That eerie Olympian air of immortality pervades *The O.C.*'s characters, nearly all of whom appear to be the same age as each other, even though they actually form two generations, a younger set (Ryan, Seth, Marissa, Alex, Lindsay, and Seth's excruciatingly chirpy current girlfriend, Summer Roberts, played by Rachel Bilson—all of whom are supposed to be age 17 and attending a high school that features neither classes nor homework), and an older set of their parents and parents' hookups, all of whom are presumably in their forties, at the very least, except for the white-haired Caleb, who is noticeably older. Nonetheless, all of the young people look to be at least 25 (the average age of the actors playing them) and none of the adults (except Caleb) looks older than 35.

This telescoping of generations works out a fantasy of post-Sixties parenting, in which the lines of cultural demarcation between parents and children are deliberately blurred; parents are their childrens' pals. It also lends surface credence to the sorts of escapades in which the supposed 17-year-olds of *The O.C.* routinely engage: unchaperoned trips to Mexico and even Europe, massive parties where nary an adult is to be seen, and underage shacking up. When Marissa and Alex go Sapphic, they move into an apartment together. In real life, wouldn't one of these gals' moms or dads have to sign the lease? It goes without saying that the actual preoccupations of upscale 17-year-olds—SAT scores and college application essays—receive no attention whatsoever on *The O.C.*

When it comes to the demographics and politics of *The O.C.*'s adults, the show goes seriously haywire and reveals its overlay of Hollywood phantasmagoria. Orange County was almost entirely rural until after World War II, and like Julius Caesar's Gaul, it is divided into three parts. There's North Orange County, inland, dusty, smoggy, dumpy, and flat. It's the home of older towns like Anaheim, Santa Ana (the county seat), Yorba Linda (where Richard Nixon was born), and Whittier (where he went to college). The inhabitants are mostly white ex-rural types left over from Orange County's orange-growing days, along with huge numbers of Mexican and Vietnamese immigrants. Then there's hilly, newer, middle-income South Orange County, largely (although not entirely) a sprawling, mall-dotted retirement community; my father-in-law lives there, in Laguna Niguel. And finally, there's the O.C., the Orange Coast itself, stretching from Newport Beach through Dana Point, where O.J. Simpson's in-laws lived.


Warner Brothers TV / The Kobal collection

The cast of *The O.C.*, minus Trey

Thanks to Proposition 101, a draconian California coastal-preservation law passed during the early 1970s, all O.C. real estate is stupefyingly expensive. Despite the county's tripartite socioeconomic division, nearly all its inhabitants vote the same way: Republican. There are a few blue islands here and there in the sea of red: Laguna Beach, a onetime starving-artists' colony that's now high-end boho, the University of California at Irvine, and the Hispanic neighborhoods of North Orange County (although in declining numbers, as we know from the last presidential election).

This is where the makers of *The O.C.* go awry, for they insist upon imposing on Orange County, whose *riches* are nearly all *nouveau* and entrepreneurial, the political template of Hollywood, where the elite is overwhelmingly on the left. It goes without saying that the businessman-characters of *The O.C.*—real-estate developer Caleb and investment-banker/fraud-artist Jimmy—are cold, rapacious, and unattractive. The show's lone adult goody-goody, criminal-defense lawyer Sandy, is, by contrast, a liberal's dream: He's "idealistic" (Hollywood's favorite virtue), seemingly taking most of his cases for free; he surfs every morning—for the mystical experience—when most guys are commuting to work; he takes criminals into his home, not just Ryan but Ryan's jailbird older brother, Trey (Bradley Stryker); and he yearns nostalgically for his student days at UC-Berkeley, where his favorite underground magazine was called *Revolution*, whose radical-flamethrower editor, the improbably-named Carter Buckley (Bill Campbell), has shown up years later to write for *Newport Living* magazine, owned by Julie, and to flirt with Kirsten. (All this, of course, makes Sandy—and Carter—more like 60 years old than 40, but no matter.) Trouble is: No one like

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Sandy—or Carter, for that matter—exists in Orange County, except perhaps on the UC-Irvine faculty.

If the makers of *The O.C.* grossly misunderstand the values and lifestyles of Orange County's suntanned upper echelon, they seem unaware of the existence of any of its other demographic or cultural components. Nary a Hispanic maid or gardener is to be seen on the immaculate Cohen and Nicol premises—not to mention, say, a Vietnamese honor student at the high school, a Coast Guard crew in the Newport Harbor, or a Marine or two from Camp Pendleton at the very south of the Orange Coast. As for religion, well, we know that Sandy is Jewish because his last name is Cohen, and Caleb (note the stern New England Puritan moniker) seems to be a Protestant of the grim Max Weber variety. In a notorious episode last December, the interfaith Cohen household celebrated "Chrismukkah," a caricatured Christian-Jewish holiday that spawned quite a bit of Internet discussion among Christians and Jews, who were not amused. In contrast to the thoroughgoing secularism of *The O.C.*'s characters, real-life Orange County bursts with megachurches and evangelical colleges.

The O.C. is a soap opera, and it would be heavy-handed of me to use it as a platform for complaining that liberal Hollywood doesn't understand red-state America, even the red-state America that's right at its back door. And it's probably too much, especially in these last decadent days of network television, where *Ally McBeal*-style archness is the new seriousness, to expect a mere soap opera to convey any sense of genuine family dynamics and a rich regional culture, although not long ago the better prime-time soaps, such as *Dallas* and *Falcon Crest*, did exactly that. But it does seem striking that the makers of *The O.C.* never bothered to drive a few miles down the freeways to find out what the real O.C. might be like. Instead, they gave us the usual Hollywood picture: flattened-out generational lines, wan, politicized stereotypes of good and evil.

They gave us *Beverly Hills 92663*. ♦

Lord of the Ring

James J. Braddock's good life makes a great film.

BY JOHN PODHORETZ

Cinderella Man is the sort of movie Hollywood gave up on long ago. It's a sentimental period piece about working-class folk who speak in dese-dem-dose accents—a mother who takes in sewing, a father who works down by the docks, and three kids who fear being sent away because there's not enough money to feed all five family members. There's even a lovable parish priest.

Most striking, *Cinderella Man* is a hagiographic portrait of a real-life personality who can't possibly have been as saintly as he is depicted onscreen. The fact that our hero is a boxer, engaged in a punishing sport that involves him beating on other men and getting beaten in return, never becomes the occasion for cheap pop psychologizing. Pugilism is our hero's job, not his life, and when he's done with a bout he returns home to the wife and kids. He does nothing—nothing—wrong, and is never less than totally virtuous. He is a wonderful father, a caring husband, and a citizen so upright that he returns to the state of New Jersey the $317 he received in welfare payments during the period when he was out of work.

The filmmaking team responsible for *Cinderella Man*—director Ron Howard, co-screenwriter Akiva Goldsman, and star Russell Crowe—also made the wonderful Oscar-winning biographical film *A Beautiful Mind*. They tricked up that true-life tale by filming the paranoid delusions of its schizophrenic protagonist as though they were really happening, only later revealing that much of what we had been watching in the film's first hour had been nothing more than a psychotic fantasy. That dazzling narrative twist is just what we expect these days from a movie that promises to tell a fairly conventional story about a person's life. It is as if straightforwardness were now considered synonymous with boredom, or deemed to be the sole province of the dreadfully earnest Lifetime cable channel.

There are two acts of storytelling sleight of hand in *Cinderella Man*: one in which four years pass as a camera pans across a table top, and another in which the camera passes inside a man's body to show his rib cage reacting to a punch. Otherwise, there's no directorial showing-off here, no cinematic hijinks. *Cinderella Man* is a very square picture, one that, with few emendations, could have been made a half-century ago. It is also a dazzling, emotionally overwhelming and altogether magnificent piece of work—the kind of film that reminds a disillusioned filmgoer why he fell in love with the cinema in the first place. And it features a lead turn by Russell Crowe that is one of the few pitch-perfect performances you will ever see.

The *Cinderella Man* of the title is James J. Braddock, a promising fighter in the 1920s who fell on hard times at the same time that the country did. We see him first in 1928, a sensible young man with a seemingly limitless future happily married to his childhood sweetheart, Mae (Renée Zellweger). Then, almost instantly, we jump a few years ahead to find Jim and Mae struggling to survive in a basement apartment in a New Jersey tenement. The stock market crash wiped him out, and a series of injuries have consigned him to the bush leagues of boxing. To make a living, he

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supplements the fighting as a stevedore. After a particularly unsatisfying fight, the local boxing commission pulls Braddock's license, forcing him into permanent retirement and even more severe penury.

Cinderella Man has all the trimmings of a classic Depression-era picture: crowds of men desperately angling for a day's work, bills piling up on the hall table, endless lines of shamefaced men at the local relief office, the rows of shanties built by homeless men that came to be known as Hoovervilles, a starving Braddock walking by a Rolls Royce on a ritzy Manhattan street. But either because it's been so long since such matters have been depicted onscreen, or because director Howard doesn't hammer you over the head with them, *Cinderella Man* breathes new life into these once-stale images and scenes.

The movie's power sneaks up on you precisely because it is so matter-of-fact. When the gas man comes in the dead of winter to cut the heat to the Braddock apartment, Mae pleads with him. She has three kids, she says. The gas man says if he doesn't cut her off, he'll get fired, that three other guys on the job got fired when they balked, and he has a family, too. She doesn't rage or scream or assume she has a right to the gas—because a person in 1933 wouldn't have made such an assumption. One of the Braddock children wants a second pancake and Mae has to deny it to her; her brothers, who are still sleeping, have to have one as well and there's not enough batter. The little girl doesn't complain. When the milkman stops delivering, Mae adds water to what little they have to make it last longer.

The true subject of *Cinderella Man* is dignity—how Braddock and Mae manage to retain their dignity and self-respect during a time of hardship. The reason Braddock is a great film hero is that he does not allow his difficulties to break him, though they do bend him a bit.

In the most remarkable scene, Braddock goes to the hangout of the New York boxing community to panhandle because he needs to come up with $20 to turn the electricity back on. Crowe achieves something in this scene only a truly great actor would dare. He underdoes it. He makes his pitch quietly, makes no eye contact with any of his old cronies, and keeps his attention firmly on the hat into which rich men are dropping a few coins. He doesn't play the pathos. Crowe understands that a man like Braddock would have done everything in his power to maintain his composure while forced to act in the most undignified manner possible. He breaks your heart not because he is so pathetic, but because he is so strong—just like the movie that surrounds him.

Cinderella Man takes the same unlikely turn Braddock's life did when he gets a last-minute chance to return to the ring against a heavyweight contender who needs an easy fight to prepare himself for the championship. Older, out of shape, and full of ill-healed broken bones, Braddock shocks himself and everybody else when he wins the fight and begins the most fabled comeback in the history of boxing.

Hence the movie's title, a sobriquet given to the real Braddock by Damon Runyon, the Broadway fabulist who was also the most famous sportswriter in America at the time. The idea of a Depression hard case getting a second chance in the profession from which he had been summarily ejected was irresistible newspaper fodder, especially when Braddock eventually found himself facing down the terrifying Max Baer, a ruthless giant who had already killed two men in the ring. Braddock's return to glory has almost nothing to do with whether he wins or loses the climactic fight (though if you don't know the outcome, you would do well to avoid finding it out before seeing the movie). "This time I know what I'm fighting for," he says. And what he means is clear: He fights because it is the only way he can feed his family, keep his children from illness, and his wife from despair. It's a great story because it's a noble story, and *Cinderella Man* is a great movie because it grants James J. Braddock the full measure of his hard-earned, democratic nobility. ♦

Bettmann / CORBIS

Joe Louis, James J. Braddock

Universal Pictures / Zuma / CORBIS / George Kraychyk

Russell Crowe, Renée Zellweger

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Parody

TIM RUSSERT: Let me talk about some of the things you have said about the Republicans. Here's Howard Dean in January: "I hate the Republicans and everything they stand for." Howard Dean in February: "This is a struggle between good and evil, and we're the good." Do you really hate Republicans? Do you consider them evil?
HOWARD DEAN: I don't—well, actually that was a little out of context. But I don't hate Republicans as individuals. But I hate what the Republicans are doing to this country. I really do. I hate deficits, as you know.
—Meet the Press

RUSSERT: I do know. Then you called one of President Bush's judicial nominees "a piece of [excrement] that blew through the sphincter of the Religious Right."

DEAN: Once again, taken out of context. All I meant was that she is totally natural, nothing artificial, even though I thoroughly disagree with everything she stands for. I'm a strong believer in the rule of law, as you know.

RUSSERT: In March you held up a picture of Senator Bill Frist with the caption "Dr. Death."

DEAN: Give me some credit, Tim. I called him "Doctor." And all I meant was that he is killing off the spirit of comity in the Senate. I'm a longtime supporter of comity, as you know.

RUSSERT: What did you mean by saying that "Dick Cheney wouldn't know a terrorist if it bit him in the [posterior]?"

DEAN: I meant that the vice president is the kind of stand-up guy who has to look you straight in the eye before he makes up his mind about you. I'm violently opposed to terrorism, as you know.

RUSSERT: In that same speech you called Secretary of State Condoleezza Rice "the whore of Babylon."

DEAN: That's because I wanted to demonstrate that Democrats speak the language of faith just as fluently as Republicans. I'm a student of the New Testament, as you know.

RUSSERT: Two weeks ago you said that George W. Bush's Social Security reforms remind you of the Third Reich.

DEAN: Look, Tim, Hitler did a lot of terrible, terrible things, there's no getting around it. But you can't argue with the fact that he put people back to work in Germany at that time. I disapprove of unemployment, as you know.

RUSSERT: What did you mean by referring to the Homeland Security secretary, John Negroponte, as "a limp-wristed weasel with sticky buns where his [male sexual organs] should be?"

DEAN: Hey, that's a compliment in Vermont!

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Putin's Russia—Stalin Lite

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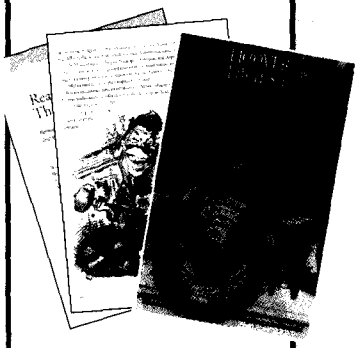

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World democratic opinion has yet to realize the alarming implications of President Vladimir Putin's State of the Union speech on April 25, 2005, in which he said that the collapse of the Soviet Union represented the "greatest geopolitical catastrophe of the century." What this former KGB officer is saying is that it would have been better for the world if a totalitarian dictatorship, one that in the seven decades of its existence was responsible for the deaths of tens of millions of Russians and other peoples or their imprisonment in a Gulag slave labor system, were still to exist. Just imagine if German chancellor Gerhard Schroeder were to announce that the fall of the Third Reich was the "greatest geopolitical catastrophe of the century."

The more I see and read about Mr. Putin, in power since 1999, and his "managed democracy," the more apprehensive I become about the future of Russia and the safety of its neighbors. If Putin believes that the dissolution of the Soviet Union into fifteen independent states represents the "greatest geopolitical catastrophe of the century," then it follows that Putin might well believe he should do something to repair the loss occasioned by his predecessors Boris Yeltsin and Mikhail Gorbachev. Millions of onetime Soviet citizens, including the beleaguered Chechen people, believe that they are better off today because of the "greatest geopolitical catastrophe of the century." But to Putin the end of the Soviet Union did not mean freedom for millions of Soviet-yoked people—for him it meant, and still means, catastrophe.

The thousand-year history of Russia has an underlying consistency. Although it has never been able to produce a genuine democracy, it has successfully produced imperialist tyrannies, czarist and Bolshevik. The very first czar, Ivan IV (1533–1584), crushed the power of rival dukes and boyars and became an emperor. During his reign, he tried to strengthen the state and the military, but his methods and acts were so horribly cruel that he was later called Ivan the Terrible.

It is time to put aside fanciful hopes about Putin as Russia's democrat-in-chief. The best single-phrase description of Putin is "Stalin lite." Thus it was understandable that Putin would celebrate the ninetieth birthday of Yuri V. Andropov, the merciless head of the KGB. The Andropov celebration last year did not create much notice. Yet there would have been hell to pay, even a half-century later, had the German government in 2000 celebrated the birth centenary of Heinrich Himmler, the remorseless head of the Nazi secret police, the Gestapo, and the SS and one of the architects of the Holocaust.

Putin endangers world peace: He has said he is ready to supply weapons to outlaw regimes. He has said he would provide short-range missiles to Syria and nuclear components to Iran. To fulfill such intentions would mean perhaps an even greater geopolitical catastrophe.

—Arnold Beichman

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